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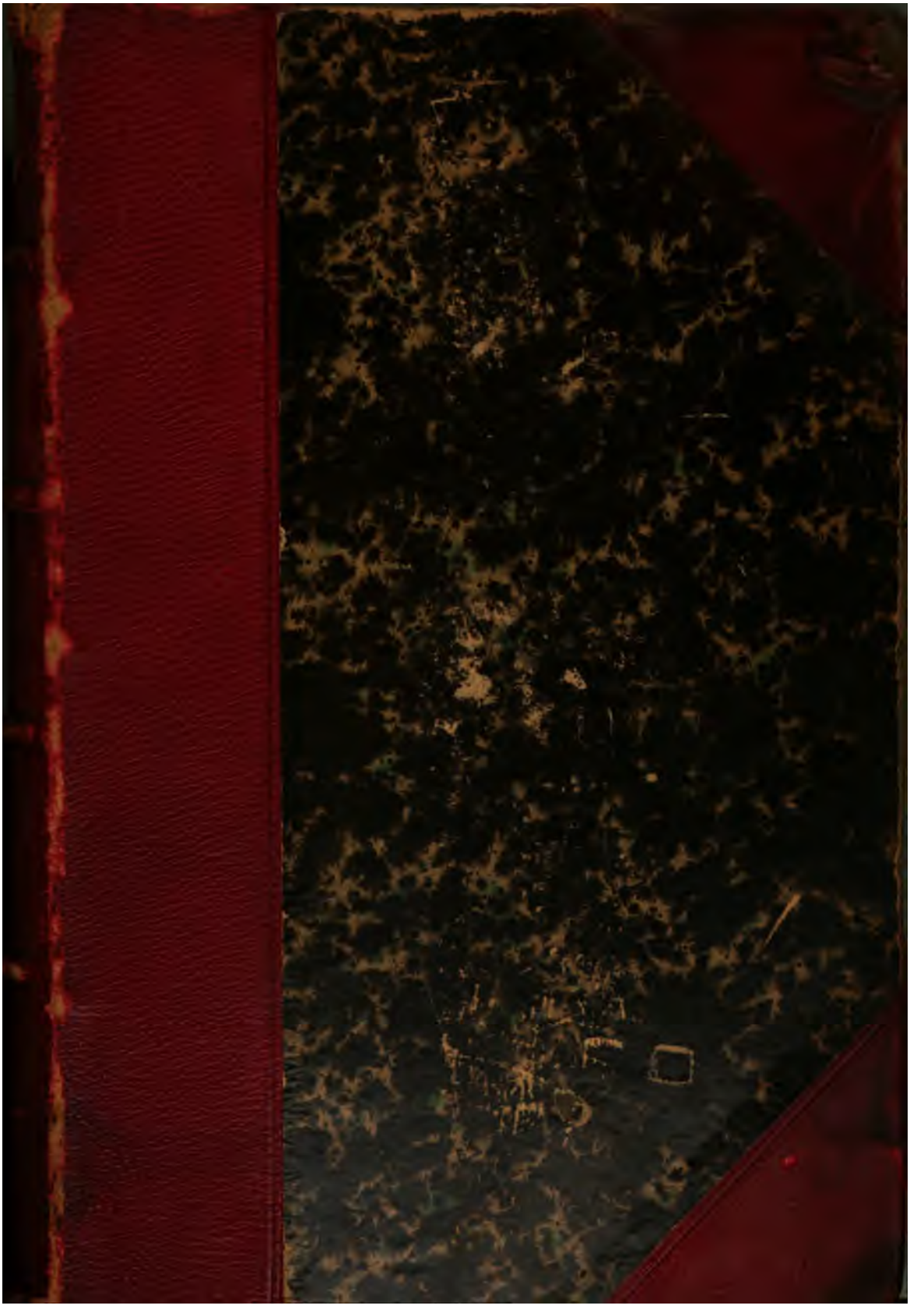

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PREFACE.

THIS volume might almost be described as the result of a "fortuitous concurrence of atoms." The idea from which it sprang will be sufficiently patent to all. That idea was that the Autumn Recess, which falls to the lot of almost all professions in this country, might be utilised in the preparation of calm and careful judgments upon some of the questions occupying, or likely to occupy, the minds of men in Parliament, or elsewhere. The great majority of the writers are personal friends of the Editor's. They were invited to contribute what to them might seem good on subjects in which they were severally interested. The editorial function has confined itself to the collecting of the following papers, which are now offered to the public on the strict principle of limited liability, each writer having said his say on his own subject, under his own name.

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THE IRISH LAND QUESTION.

THE Irish Land Question, in its broadest aspect, opens too vast a range of legal, economical, and agricultural research, to be embraced within a single view. In its narrower and more popular sense, it is the question whether the existing relations between Irish landlords and Irish tenants are such as to call for the intervention of Parliament, and, if so, upon what principles legislation ought to proceed. The causes out of which this question arises have been traced back to ages far beyond historical record; but the conditions which must govern its legislative settlement are to be sought in a period almost within living memory. Antique customs and modes of life, known to us chiefly by tradition or analogy, may throw a welcome light on the growth of ideas now prevalent among the people, but they are of little avail in guiding the course of national policy. That course must be guided by an enlightened insight into the present agrarian constitution of Ireland, and an enlightened foresight of the new agencies which are already in process of development. We cannot, however, understand the present agrarian constitution of Ireland, still less can we forecast her future, without some knowledge of her past history, which may at least help us to realise why a class endowed so highly with all the domestic virtues as the Irish peasant-farmers, should exhibit, in vindication of tenant-right, a spirit of lawless desperation, often breaking out into savage deeds of bloodshed.

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I. From this point of view, it would doubtless be highly instructive, as well as interesting, to ascertain the exact position of those who occupied and cultivated the soil under the ancient Customary of Ireland known as the Brehon laws. We might then be able to judge how far it is historically probable that modern claims of tenant-right have their origin in tribal notions of tenure, sanctioned by the usage of centuries. Unfortunately, the Brehon laws, so far as they have already been collected and published, do not supply adequate materials for this purpose, and their interpretation is still involved in much obscurity. They exhibit a barbarous minuteness of regulation on the subject of distraint and other matters connected with land, but they do not define the rights of individual occupiers as against the chieftain, or as against the clan, with equal precision. It would appear from the most recent investigations that primitive Irish society was far more highly organised than is generally supposed, that its institutions closely resembled those of Teutonic communities at the same period, that individual proprietorship was fully developed, and that a kind of partnership, inconsistent with the spirit of feudalism, prevailed between Irish landlords and one class of Irish tenants. This relation, indeed, has been compared by the learned translators of the Brehon "Senchus Mor" with the Metayer system of Lombardy, inasmuch as the stock was supplied by the chief and the labour by the tenant; a feature which, so far as it goes, is characteristic of tenure by contract rather than of tenure by *status*. But other forms of tenancy are recognised by the Brehon laws, which, upon the whole, are indicative of a feudal rather than of a patriarchal or democratic commonwealth.

We are not, however, left without contemporary evidence on the actual working of the old Irish land-system. Sir John Davies, who studied it with admirable diligence as Attorney-General for Ireland in the reign of James I., when the Brehon

law was still a living code in some parts of the country, has given a lucid account of it, not only in his well-known *Discovery*, but also in his letters of earlier date to the Earl of Salisbury. After making every allowance for the prejudices of an English lawyer commenting on the "lewd customs" of a subject race, we cannot but prefer the explicit statements of such an authority, speaking, under a sense of professional responsibility, of facts elicited by a judicial commission of which he was himself the leading member, to whole volumes of speculative archæology. Now, Sir John Davies, while he implies that in districts under Brehon law the great mass of the people were occupiers of land, and, moreover, that demesne lands were reserved for the chief apart from the peasant lands of the clan, emphatically negatives the idea that "fixity of tenure," as now understood, was then established. On the contrary, he refers again and again to the utter uncertainty of tenure under Brehon law, and endorses the doctrine of the English courts that Irish tenants had no estates, but only "a scambling and transitory possession at the pleasure of the chief of every sept."

A wider acquaintance with the land-systems which preceded feudal tenures in Europe, and which have their counterparts in India, justifies us in drawing somewhat different inferences from the facts adduced by Sir John Davies. It is possible that by his time the old distinctions between various classes of tenants may have been well-nigh obliterated, and that all the social orders between the chief and the mere serf had been reduced to a tolerably uniform level of vassalage. We know, from other sources, that many abuses of feudalism had been engrafted on Brehon land-tenure, and there is nothing incredible in the assertion that all Irish clansmen, of every degree, were practically subject to unlimited "cuttings" and "cosherings" at the pleasure of the chief. It does not follow, however, as Sir John Davies contended, that their condition was

that of villeins, and later researches have exposed the fallacy of his belief that "if any one of the sept had died, his portion was not divided among his sons, but the chief of the sept made a new partition of all the lands belonging to the sept, and gave every one his part according to his antiquity." As Hallam remarks, "it is impossible to conceive that these partitions were renewed on the death of every one of the sept." It is far more probable, and rendered almost certain by reference to similar Indian customs and the system of "rundale," not yet extinct in Ireland, that the family inheritance was kept entire, while there was a frequent readjustment of lots between members of the family by squaring or "striping" the land, as it is still called. To such a state of society, neither feudal nor commercial ideas of proprietorship can be strictly applied, and it was doubtless a mere error of English colonists to designate Irish clansmen indiscriminately as "tenants-at-will" of their chief. On the other hand, the attempt made on their own behalf to identify them with English freeholders, when questions of forfeiture arose, was scarcely less futile. Tenants-at-will, it is true, had their place in early Brehon law, but even they ceased to be removable after a certain period of occupancy; and Sir John Davies himself admits quite enough to show that few, if any, Irish tenants of Irish lords, in his own day, were liable to arbitrary eviction. But they were assuredly not freeholders, in the English sense, if, as seems clear, they only held land as members of the clan, and subject to various tribal obligations, besides exactions in kind, both certain and uncertain, in lieu of rent or military service. In short, it is idle to look for an exact counterpart of Brehon land-tenure in the history of our own law, or to imagine that its fantastic and half-deciphered features can possibly serve as useful precedents for this age. Whether the memory of that ancient tenant-right, such as it was, can have survived four sweeping

confiscations and infinite changes of ownership and tenancy by natural means, is a different and doubtful question. It may have been treasured up, unknown to lawyers and statesmen, in minds inured to secrecy by oppression, or it may have utterly died away, and have been revived in a spurious form by patriotic antiquaries. What is certain is, that Brehon law was, in theory, less communistic than it has been represented, while, in practice, it was fatal to all progress, and, if restored, would be more intolerable to modern Irish farmers than occupation under modern Irish landlords.

II. The earliest authentic descriptions of Irish agriculture, whether under the Brehon or under the English laws, are to be found in documents of the sixteenth century. Ireland fills a very large space in the State Papers of Henry VIII.'s reign. A considerable part of it was visited by a Royal Commission in 1537-8 ; and copious notices of its agrarian state are contained in Spenser's *View*, and other scarcer tracts by English settlers of the Elizabethan period. The evidence of these writers is the more valuable, because their observations were made after the first great confiscation, and before the final extinction of Irish independence under James I. They naturally dwell more on the relations between English landlords and Irish tenants than between the chiefs and humbler members of Irish clans ; but it is remarkable that all, with one consent, point to *a sense of insecurity among tenants* as the master-evil of Irish agriculture, both within and without the Pale. Under native chiefs, the Irish tenant had no security that he would enjoy the fruits of his labours, for they might be consumed in a single night, in strict accordance with national usage, by a band of wild gallowglasses on a marauding expedition. Under English "undertakers," he fared better, in so far as he paid rent in lieu of uncertain dues and services ; but, in

spite of express provisions for his protection in the royal grants, he was usually a mere tenant-at-will.

Spenser's testimony upon this point deserves special attention. He severely blames landlords, "almost throughout Ireland," for granting no leases, but letting their land from year to year or during pleasure. He attributes this practice partly to a love of power and partly to a restlessness incident to that Utopian age of adventure, when men settled in Ireland as they might have settled in the New World, "daily looking after change and alteration." He adds, however, that Irish tenants will, in general, only take lands "so long as they list," not choosing to make themselves permanently dependent on landlords, who may "shamefully rack them" with coigny and livery, or the like arbitrary extortions. A more probable explanation of their apparent indifference to security of tenure is to be found in the fact that, by the ancient Irish laws, a tenant accepting a lease of more than a certain length from an alien lord forfeited his tribal privileges. But this does not affect the force of Spenser's main argument. So urgent did the Irish land question of his own day appear to him, that, after setting forth the disastrous effects of insecurity, he goes so far as to anticipate the scheme of compulsory leases. "And this inconvenience may be reason enough to ground an ordinance for the good of the commonwealth *against the private behoof or will of any landlord that shall refuse to grant any such term or estate unto his tenant as may tend to the good of the whole realm.*"

He proceeds to discourse, in language which has not lost its significance, on the beneficial influence of leases in promoting better tillage, the erection of decent houses, greater domestic comfort, and the proper enclosure of pastures—an object which he shows to be important as a measure of police. These views are confirmed, to a great extent, by Robert Payne in his *Brief Description of Ireland*, published in

the year 1589. Payne, like Spenser, was one of the English colony planted in Munster after the suppression of Desmond's rebellion, and his treatise is in the form of a report to the "partners," whose resident manager he appears to have been. He, too, complains that many of the English undertakers preferred Irish to English tenants, because the former would pay all the old Irish dues, and refused to give either such a tenure as would induce them to build, plant, and cultivate with husbandlike foresight. A modern reader may be surprised to learn that, in the opinion of this author, a term of twenty-one years, or three lives, was unreasonably short, and that "the better sort of undertakers" offered to English tenants "either three hundred acres of land in fee-farm, or four hundred acres by lease for one hundred years, for sixpence an acre, without any fine." One Sir Richard Greenfield, whom he praises highly, would "let any poor man, of honest behaviour, a house, forty acres of land, and six milch kine, for 40s. the year, for the term of three lives," remitting half that rent if the kine were returned after the farm was stocked. Another undertaker, "Master Phane Beecher," was in such repute as a good head-landlord that no more land was to be had of him. It seems, however, that he had benevolently covenanted with all his own tenants, for the benefit of their future under-tenants, so that parcels of fifty, sixty, or one hundred acres were still to be had "under as good conditions as the best, his special care being that every inhabiter there should have as much liberty as a freeholder in England." A similar treatise, by John Dymmok, supposed to have been written about the year 1600, attributes the poverty and bad cultivation of Ireland generally to the very same cause—"the great exactions of the lords upon their tenants; for the tenant doth not hold his land by any assurance for term of years, or life, but only *ad voluntatem domini*, so that he never buildeth, repaireth, or encloseth the ground; but, whensoever the lord listeth, is

turned out, or departeth at his most advantage, which, beside the great want of grain to supply that country, breedeth also a general weakness, for want of inhabiting and planting the people in places certain, being of themselves given to a wandering and idle life." It would be easy, were it necessary, to multiply evidence of this kind, but enough has been adduced to prove, at least, that shrewd Englishmen in the reign of Elizabeth clearly discerned that intimate connection between slovenly farming and tenancy-at-will which Irish landlords have been slow to realise in later times.

III. A century had passed away—the most eventful, perhaps, in the whole history of Ireland—when Sir William Petty, who had been employed for many years in surveying and allotting forfeited lands, embodied the results of his researches in his celebrated *Political Anatomy* and *Report from the Council of Trade*, dated respectively 1672 and 1674. Since the days of Spenser, the settlement of Munster had been followed by the far more statesman-like and complete settlement of Ulster; the Great Rebellion of 1641, kept alive by the varying fortunes of the English civil war, had been finally crushed out by Cromwell; and the vast confiscations which ensued, driving many of the native owners into the wilds of Connaught, and many to the West Indian plantations, had been confirmed under the Restoration—with a reservation of one-third for old proprietors of proved loyalty—by the Acts of Settlement and Explanation. Sir William Petty, writing, like Sir John Davies, under the impression that Ireland had at last reached an era of permanent tranquillity, furnishes us with the earliest agricultural statistics of the country—then beginning to recover from its long exhaustion. These statistics, precious as they are, cannot be trusted implicitly, since they start with the assumption that Ireland contains but 16 millions, instead of above 20 millions, of English acres, in-

cluding lakes and waste land. The agrarian details, however, were evidently noted with the greatest care, and may probably be taken as a very near approach to the real facts. Sir William Petty estimates the whole population of Ireland at 1,100,000, of whom he reckons 800,000 as Catholics and 300,000 as Protestants. The latter, as he points out, were then concentrated for the most part in the towns and a few of the northern counties; so that, in the rural districts generally, the Catholics, according to his computation, were as twenty to one. On the other hand, he calculates that at "Christmas 1672," above two-thirds of all the good land in Ireland was in the hands of Protestants or the Church, whereas before 1641 two-thirds had belonged to "the Irish," and one-third only to "the English." Three million acres and upwards of good land had previously been assigned "to the Protestants, planted by Queen Elizabeth and King James;" indeed, the forfeited estates of Desmond alone are said to have amounted to nearly one million; and, upon the whole, it may safely be inferred that at least half of the rent-producing land of Ireland had changed proprietors in the course of a century. It is well known that Ireland was then essentially a grazing country, but it is certainly startling to find that less than 800,000 acres were arable, against some 11,000,000 acres in pasturage for cattle and sheep; while a fourth, if not a third, of the whole population were "spare hands," in the opinion of Sir William Petty. He values all the land in Ireland, bad and good together, at no more than £9,000,000, and its rental at £900,000; remarking, moreover, that in 1653, when it was at the lowest point of depreciation, the whole island might have been purchased for one million sterling.

No material change seems to have been wrought in the usual system of land-tenure by these successive waves of confiscation. All landlords, whether the descendants of Irish chiefs, or settlers from England and Scotland, now held

directly from the Crown, subject to all the rules of English law. The great majority of tenants, whether English or Irish, were still tenants-at-will. The utmost pains had been taken in the reign of James I. to introduce greater security of tenure, but with little success. Not only was express provision made in the settlement of Ulster for the concession of leases to under-tenants at moderate rents, but the same precautions were observed in accepting surrenders from Irish lords and regranting the estates on new titles. Sir John Davies considered it a great hardship and injustice that in the grants of Elizabeth "no care was taken of the inferior septs of people," and "there was but one freeholder made in a whole country, which was the lord himself." He describes particularly the plan adopted under the commissions of James I, which he fondly imagined would be effectual—how "there hath ever been a special care to settle and secure the under-tenants, to the end there might be a repose and establishment of every subject's estate—lord and tenant, freeholder and farmers, throughout the kingdom"—and how, after the demesne lands in the lords' own possession had been marked off, "the lands which are found to be possessed by the tenants are left unto them, respectively charged with certain rents only, in lieu of all uncertain Irish exactions." There is great reason to doubt whether these benevolent intentions were ever carried into full effect even in Ulster, and whether the so-called Ulster tenant-right does not date from a much later period. At all events, we find that English landlords continued to prefer Irish tenants, because they were less exacting, and, as appears from a striking passage in the *Political Anatomy*, were too often quite indifferent to security of tenure. "It is their interest," urges Sir William Petty, "to deal with the English for leases for time, and upon clear conditions, which being performed they are absolute freemen, rather than to stand always liable to the humour

and caprice of their landlords, and to have everything taken from them which he pleases to fancy." At the same time we have a strong proof, in the same work, as well as in the *Report from the Council of Trade*, that a tenant's improvements were then regarded as his own property, and not as the property of his landlord. In calculating the annual value of Irish land for state purposes, the author specially deducts a sum of £216,000, or nearly one-fourth of the whole, for "*the benefit of leases, and the value of tenants' improvements upon the said lands;*" and, making a further deduction for tithes and king's quit-rents, sets down the residue only (£432,000) "for the landlords."

Upon the whole, it is tolerably clear that in Sir William Petty's time, whatever vicissitudes had befallen Irish landlords, Irish tenants, as a body, had made a considerable advance out of the almost nomadic state in which they were described by Spenser and his contemporaries. Not a few of them, indeed, were representatives of old Irish families—once lords of the soil—and retained in their hearts, as Sir William Petty testifies, "not only a grudging to see their old proprieties enjoyed by foreigners, but a persuasion they shall be shortly restored." Others were the descendants of those peasant occupiers whose rights of ownership, as we have already seen, were secured in some degree by the Brehon law. Whatever loss may have been sustained by the former class, the latter can scarcely have suffered by the conversion of Irish into English tenures. Much has been said of the privileges attaching to all whose names were inscribed on the sept-roll, and some have maintained in effect that it was the intention of the Stuart monarchs to commute these privileges for those of copyholders in manors. The proof of this alleged intention appears very inadequate, and there is far better evidence to show that undertakers retained more Irish tenants and brought in fewer English than was sanc-

tioned by their patents. In the meantime, we must beware of idealising the Irish tenures which the English tenures displaced. We must not compare the one as they might have been with the other as they were; but remember that if the poor clansman had something in common with a peasant-proprietor, he had still more in common with a villein.

IV. Another century elapsed, and Ireland was again visited by a sagacious English observer, who has delineated its condition with the hand of a master. Arthur Young's *Tour in Ireland*, published a year or two after the *Wealth of Nations*, contains the first account of Irish land-tenure on which an economist can fully rely, and is by no means obsolete as an agricultural review of the country. During the interval between the reigns of Charles II. and George III. a social revolution had passed over it. The estates forfeited after the wars of William III. are said to have amounted to about 1,700,000 acres, and although nearly 700,000 were restored, this supervening on three previous confiscations left but a fraction of Ireland, estimated at one-sixth or one-seventh, in the hands of Catholic landowners. The penal laws, however, which disabled Catholics from acquiring freehold property, or even holding leases for more than thirty-one years, or at less than two-thirds of a rack-rent, had a far greater effect on the position of the occupying tenantry than any mere transfer, however violent, of the fee-simple. Their operation was cruelly aggravated by the policy which destroyed the native manufactures of Ireland, and threw its whole population on the land at the very time when commercial prosperity was promoting the consolidation of holdings in England. Under these laws, while the proportion of Protestant to Catholic proprietors was ever on the increase, Catholic farmers inevitably lost all independence, and, sinking lower and lower in the social scale, became tenants-at-will, or, still worse, cottier tenants, not of Protest-

ant landlords, but too often of Protestant middlemen. The growth of this class—the curse of Ireland for several generations—may be traced directly to causes which reached their maturity at the end of the seventeenth century, and bore their fruit in the eighteenth.

The first of these causes was the absenteeism resulting from the substitution of an English for an Irish proprietary. Of all the adventurers, undertakers, and colonists, to whom grants of Irish land had been made, the Cromwellian settlers seem to have taken most kindly to Ireland, and rooted themselves most deeply in the soil. Among the rest, many were great English noblemen, or mercantile bodies, who never thought of actually living in Ireland, or soon quitted it for a more agreeable residence. We have no positive means of judging how far the practice of absenteeism had extended in Charles II.'s reign, though Sir William Petty, who defends it by very sophistical arguments, hypothetically assumes one-quarter of Ireland to be owned by non-residents. At the beginning of the next century, however, we have overwhelming evidence that it was felt to be a national grievance. Swift is never tired of denouncing it, and declares that one-third, at least, of the whole rental of Ireland was yearly transmitted to England and spent there. He also speaks of the rack-rents mercilessly exacted by the middlemen, who, relieving the absentee landlord from the vexation of dealing with hundreds of petty occupiers, were virtually the land-agents of those days. Originally it was common to grant beneficial leases of enormous length, if not in perpetuity, but afterwards three lives, or thirty-one years, became the normal standard of a middleman's tenure.

Men of this class were not always even resident; they were seldom cultivators or skilled in farming, and their sole office was, in general, to screw out of the unhappy peasantry, whom they encouraged to multiply for their own advantage, a profit rent on which they could indulge, forsooth, "like

gentlemen," in brutal carousing, reckless duelling, and break-neck pastimes. The memorable passages in which Arthur Young stigmatises them as "the vermin of the country," and relates how justice was perverted by squireen magistrates to screen acts of oppression committed by their own boon-companions, throw a flood of light on the agrarian history of Ireland. They are amply illustrated by contemporary literature, and they go far to explain both the poverty and the disaffection of Ireland at the present day. Most economical evils have their countervailing advantages, but here the economical evil is aggravated beyond calculation by the social and political evil. "A set of gentry who, having no inheritance, no education, no profession, or other means of life than by getting between the inheritor and cultivator of the soil, grind the poor people to powder," never would have been tolerated in any country less degraded than Ireland was, under the joint operation of foreign proprietorship and the penal laws.

Another circumstance greatly favoured the baleful ascendency of middlemen, and the development of cottier-tenancy. Potato-cultivation, already noticed by Petty as a predisposing condition of Irish indolence, had now overspread the whole country and become the staff of life to Irish peasants. By encouraging subdivision and cutting up his land into small patches for potato-gardens, it was possible for the middleman to obtain a rent far higher than a few large farmers could have afforded to pay, or than any motive short of dire necessity could have extracted even from cottiers. There was, however, one privilege attached to holdings of this class, which greatly enhanced their value. The cottier had usually the right of pasturing cattle on the commons which abounded in Ireland until the reign of George III., and thus obtained a constant supply of milk, which renders a potato-diet comparatively nutritious and wholesome. But in the years

1759-61 two events occurred, which greatly increased the price of cattle and dairy produce, and made proprietors and middlemen look with grudging eyes on the poor man's right of pasturage. The first of these events was the act permitting the free importation of cattle from Ireland for a limited time; the second was a murrain among cattle, like that which recently visited Great Britain. The "cow's grass" of the cottier was now taken away in many districts, and even his little plot of tillage land was sometimes appropriated also. The direct and immediate consequence was the sudden outbreak of Whiteboyism, the origin and type of all agrarian outrage in Ireland from those days to our own. The name of "Levellers," under which the Whiteboys were first known, clearly indicates the principle of their association. They banded themselves together for the purpose of levelling the fences recently set up on common lands, and the grievance, which they too often revenged with hideous cruelty, is still most keenly felt by the poor in Donegal and elsewhere. Arthur Young, who travelled in Ireland during the years 1776-9, declares he could not find a trace of Whiteboyism having existed before 1760, and the light reflected on it by subsequent experience strongly confirms his view of its nature. It marks the beginning of an age, unhappily not yet concluded, during which the Irish peasant-farmer has lost the old semi-barbarous ideal of personal allegiance and personal service to a landlord, without having acquired the independence to bargain on equal terms for "security of tenure."

The protest of Arthur Young against leases to middlemen is the more weighty because it is coupled with the most earnest recommendation of leases to cultivating tenants. Those who quote his authority for the fallacious statement that land under lease in Ireland is worse tilled than land held at will, shut their eyes to arguments in favour of leasing as clear as language can make them. "The meanest occupier to

have a lease, and none shorter than twenty-one years, which I am inclined also to think is long enough for his advantage." Whereas Edmund Burke, in his Tracts on the Popery Laws, speaks of a thirty years' lease as "evidently no tenure upon which to build, to plant, to raise enclosures, to change the nature of the ground, to make any new experiment which might improve agriculture, or to do anything more than what may answer the immediate and momentary calls of rent to the landlord, and leave subsistence to the tenant and his family." Upon such a point, the opinion of an agriculturist may be preferred by many to the opinion of a statesman, but on the policy of leasing to actual working farmers, the view of Arthur Young and Burke is essentially the same. This view, it is needless to say, was not adopted by Irish landlords; on the contrary, a fresh impulse was given to the abuses of intermediate proprietorship and subletting, by causes which neither then foresaw. Already, in 1771, an Act had been passed enabling Roman Catholics to hold reclamation-leases for sixty-one years. In 1777 Roman Catholics were empowered to hold leases for any term under 1000 years, and in 1782 they became capable of acquiring freehold property. The extension of the 40s. franchise to Roman Catholics, in 1793, incidentally gave a most important effect to these remedial enactments. Under this franchise, not only 40s. freeholders in the ordinary sense, but all persons holding a lease at 40s. rent, for one or more lives, became entitled to a county vote. At that period no spirit of political independence had been awakened among the tenants, and the priests had not learned to measure their strength with the landlords. Relying on an influence which they continued to exercise after the Union, till its spell was broken in the Clare election of 1828, the landlords, in an evil hour for themselves, granted leases indiscriminately, and with an utter disregard of all economical laws. A new race of middlemen was thus created, who, in turn, underlet and subdivided their

leaseholds with reckless improvidence, partly in order to gain pocket-votes, and partly in order to avail themselves of the "war-rents" which the abnormal price of agricultural produce alone enabled farmers to pay. The close of the Great War, in 1815, brought the inevitable collapse. Those mesne-tenants who had not become owners in fee were, for the most part, ruined, and from that day forward the class of middlemen no longer figures prominently in the history of Irish civilisation. After the severe lesson which they had received in the electioneering campaign preceding Catholic emancipation, Irish landlords must have seen the folly of seeking to make political capital out of leases granted on principles the reverse of those advocated by Arthur Young. In 1829 the 40s. leasehold franchise was abolished, and with it the last motive for letting to middlemen, though some of the old leases did not expire till many years afterwards, and even so late as 1845 it was supposed that one-seventh of Ireland was under leases for lives, renewable for ever. But the mischief which had been wrought lasted much longer, and has not yet become exhausted. In the century which followed the wars of William III. the population of Ireland had about trebled itself; in the half-century which succeeded the fatal gift of the 40s. franchise, it had doubled itself again. This increase was justified by no corresponding development of manufacturing industry or agricultural skill. The eight millions and a quarter who swarmed upon the land before the famine were probably worse fed, very little better housed, and far more deeply pauperised, than were the 1,100,000 of Sir William Petty's time. They were essentially the product of a vicious system which has gone far to bring leases into discredit, but which really had scarcely anything but the name in common with the system of agricultural leases in Great Britain.

V. Such was the state of Irish land-tenure when it came

under the scrutiny of the Devon Commission in 1844. Their Report, and the admirable Digest of Evidence taken before them, officially published two years later, are still the most complete repertory of materials on the whole subject, and subsequent inquiries have rather illustrated than superseded their results. The process of clearance had been going on for some time, and had just been stimulated by the enactment of a Poor Law, yet there were then more than 900,000 holdings in Ireland, above 500,000 of which were under ten acres each, and the average size over all Ireland was but little above fifteen acres. What proportion of these farms were under lease was not, and perhaps could not be, ascertained by the Commissioners, who simply recorded their belief that most of the land was occupied by tenants-at-will. They found that "fixity of tenure" was already a popular watchword, and that insecurity of tenure was represented as a pressing grievance by all classes of tenants. Their own conclusion upon this part of the case is stated with greater caution than may appear necessary in the present more advanced state of public opinion, but it fully coincides with the views of Spenser and Davies, of Sir William Petty and of Arthur Young. They consider "that, as a general system, it is more for the interest of both landlord and tenant that leases should be granted," but they forbear to recommend direct Parliamentary interference in favour of leases. On the other hand, after reviewing the whole question of tenants' improvements, and admitting the expediency of compensation for them being secured by voluntary agreements, they submit "that some legislative measure will be found necessary in order to give efficacy to such agreements, as well as to provide for those cases which cannot be settled by private arrangement." They even suggest the outline of a measure for this purpose, empowering tenants to serve their landlords with notice of intended improvements, strictly limited in their nature, to obtain a certi-

ficate of their propriety and maximum cost, and to recover compensation on eviction to that extent, not exceeding three years' rent.

The great Irish famine, by far the worst of Irish famines since the reign of George II., and perhaps the worst that has visited modern Europe, immediately succeeded the publication of this Report. It swept away thousands upon thousands of those peasants whose misery and whose patience are there graphically described; it destroyed, as if by a sudden blast, all confidence in that crop on which hungry millions had depended for a bare subsistence; it powerfully aided the policy of clearance, and was the first source of the voluntary emigration which has never since ceased to flow westward; it sealed the repeal of the Corn Laws; it paved the way for the Encumbered Estates Court; and it left an indelible mark on the whole agrarian condition of Ireland. Since the famine, wages have risen, mendicity has decreased, Indian meal and porridge, dear as they are compared with the former price of potatoes, have become staple articles of diet among the Irish poor; and the one-roomed mud cabins, resembling the huts of savages, and little removed from the lairs of wild beasts, in which pigs, cattle, and poultry, lodge with the peasant's family, are dwindling away by degrees, though far indeed from extinct. Whether husbandry has kept pace with this improvement in the labourer's comfort is more doubtful. Mr. James Caird, who visited Ireland in 1849 and again in 1869, observed less evidence of progress than he had expected. He saw little difference beyond that due to a simple diminution in the number of unemployed consumers. He noticed, in general, the same want of drainage and fences, the same exhaustion of the soil by farmers without capital or without the disposition to invest it in cultivation, and the same, if not a deeper, mistrust between the landlord and tenant. In short, the greater part of the Devon Commission Evidence and Re-

port is as applicable to Ireland now as it was twenty-five years ago. The chief exceptions are the passages depicting the misery of the labourer as distinct from the small farmer, and those which deal with farms of the very smallest class, a vast number of which are now consolidated with others. In most other respects, it is truly marvellous how little modification is necessary in the grand survey of Ireland made by the Devon Commissioners.

Side by side with this discouraging but trustworthy estimate of Irish agriculture, under conditions otherwise favourable to a rapid advance, we have one fact significant enough to be suggestive of a sufficient cause. In all its more important features, the law which governs the relations of landlord and tenant remains now what it was at the date of the Devon Commission, what it was at the date of Arthur Young's tour, what it was in the evil days which Sir William Petty vainly thought were ended, what it was when Sir John Davies helped to settle Ulster, and what it was in districts which obeyed the King's laws at all during that period of confusion and almost universal rebellion, of which Spenser witnessed the apparent close. Those relations have been affected incidentally by the Irish Poor Law and many other acts of legislation, but their legal basis remains essentially unchanged. There has been no want of inquiry, but it has led to nothing. Not to go farther back than 1825, "the defective state of the law between landlord and tenant" was earnestly pressed upon the attention of the Legislature by select committees of both Houses. In 1830, and again in 1832, the same grievance was recognised by committees of the House of Commons; and since 1835 it has been the subject of more legislative failures than any other question of the day. A list of these is given in an official memorandum, prepared by Dr. W. N. Hancock in 1860. "Mr. Sharman Crawford, in conjunction with different members of Parlia-

ment, introduced bills on the subject in 1835, 1836, 1843, 1845, 1846, 1847, 1848, and in 1852. On Mr. Crawford retiring from Parliament, the subject was taken up by Serjeant Shee and Colonel Greville in November 1852, and in 1853 ; by Serjeant Shee and Mr. Pollard Urquhart in 1854; by Mr. Moore and Mr. Maguire in 1856 and in 1857 ; and by Mr. Maguire and The O'Donoghue in 1858." . . . . "The number of ministerial bills is no less remarkable. They are: Lord Stanley's in 1845 ; Lord Lincoln's in 1846 ; Sir William Somerville's first bill in 1848, and his second bill in 1850 ; and lastly, Mr. Napier's bill in 1852." This dreary list must now be extended by the addition of Mr. Chichester Fortescue's bill, introduced in 1866 ; Lord Naas' bill, introduced in 1867 ; besides those of Lord Clanricarde, Sir C. O'Loghlen, and other private members of Parliament, supported by the voluminous evidence taken before a House of Commons' Committee in 1865, and a House of Lords' Committee in 1867. But one Irish land-measure (though consisting of two distinct statutes) has actually passed into law during this long period of expectation. The exception is the measure of Mr. Cardwell, in the statute-book of 1860, which, however, is admitted to have remained little more than a dead letter. It established, indeed, the principle that settlements and trusts should no longer be allowed to stand in the way of equitable arrangements between landlords and tenants ; and it gave tenants, making improvements with the landlord's consent, a substantial claim to compensation. But it provided so cumbrous and costly a machinery for carrying out these objects, that it has scarcely ever been set in motion. Even that part of it which authorised loans of money to *landlords* for purposes of improvement, under the sanction of the Landed Estates Court, proved almost abortive, as the Chancery Settled Estates Act had proved before, and for a similar reason. In the meantime, very large sums of money have been lent to landlords

for the same purposes, under the sanction of the Board of Works; and it is sometimes alleged, as a grievance, that equal facilities have not been provided for the execution of improvements by tenant-farmers.

VI. We are thus brought face to face with the Irish land question of 1870, and it becomes necessary to cast a rapid glance over the present aspect of the country. The whole surface of Ireland, exclusive of lakes and large rivers, amounts to 20,319,924 statute acres, being more than one-fifth in excess of Sir William Petty's estimate. About one-half of this total acreage is laid down in grass, and somewhat more than one-fourth is under tillage. A very small proportion is covered by woods, and more than four million acres are still "bog or waste." The number of separate holdings in 1868 was 594,441, and of these above half were of a size not exceeding fifteen acres. Only 1569 in all exceeded 500 acres, but these large farms, though representing but a fraction of the whole number, engrossed one-tenth of the whole area. It follows that fifteen or twenty acres may be taken as the size of a typical Irish farm. It is true that among the 50,000 holdings not exceeding one acre must be included the potato-gardens of cottiers, and that "accommodation-ground," occupied by small tradesmen in the neighbourhood of towns, contributes to swell the aggregate of farms under five acres. Against this, however, must be set the enormous home-farms and model farms of enterprising landlords, the grass farms of Meath let out by the season to graziers, and the sheep-farms of wild mountain districts, which mainly constitute the higher classes. The fact that nearly 311,000 out of 594,441 holdings range between five and thirty acres is decisive as to the average, and the evidence of popular language in Ireland amply confirms this estimate. A farm of five acres would still be called a small farm, and a farm of more than thirty acres would be called a large farm, in most parts of the

country, though it is certain that a gradual process of consolidation has been going on for many years past. The smallest holdings of all, being those attached to labourers' cottages, have increased by 25 per cent since 1861, but the number of farms between one acre and five acres is always on the decrease. Since 1841 it has declined over all Ireland by 75 per cent, and in the province of Connaught by upwards of 82 per cent.

The representative Irish farmer, then, is a man holding some fifteen or twenty acres of land, including several acres of rough pasturage for the cows of which the poorest Irish family generally manages to keep one or two, with very humble pretension to breed, yet frequently yielding a large supply of milk. Sometimes the little farm lies compactly round its steading; more often it is scattered about in irregular patches, or stretches in a long narrow strip from a hillside down towards a stream or marshy bottom. It is tilled by the farmer himself, with the aid of his sons or nephews, and occasionally of an obliging neighbour, but, in most cases, without recourse to hired labour. The degree of agricultural skill which may be applied to it varies of course in different localities; but, upon the whole, it is probable that Irish farming is more productive than is generally supposed. Potatoes are even now the main subsistence of an Irish household, and, precarious as this crop is, there is no other which yields so large an amount of nourishment, with the addition of milk, off a given plot of land. Flax is undoubtedly grown in the north at too short intervals, and with little care to repair the exhausted energies of the soil; but the profit of a good season is so large as to cover many risks of subsequent loss. The unduly frequent succession of white crops, the preference of wheat to oats at elevations unfavourable to the former, and the neglect of house-feeding, are faults too characteristic of Irish agriculture; and it is a fixed rule with many of the smaller

farmers never to buy artificial manure. At the same time, lime and seaweed are freely used where they are procurable. The most is made of every blade of grass that springs up under the corn; and a variety of petty shifts, dictated by necessity, make up in some degree for the want of capital judiciously invested, which strikes the eye of observers like Mr. Caird, accustomed to see farming carried on like a manufacturing enterprise. Whatever political economy or the experience of Great Britain might lead us to expect, the fact remains that fifteen-acre or ten-acre farmers in Ireland pay a somewhat higher rent than larger farmers with at least equal punctuality, and save money enough besides, not only to defray the priest's dues, but to give their daughters considerable portions, and to keep deposits in banks, which, it is said, often lay them out in loans to farmers in Scotland. The secret of this conflict between theory and practice lies partly in the incredibly low standard of expenditure among the Irish population. If the occupiers of ten or fifteen acres send little to market, they buy hardly anything, and put up with lodging which no English labourer would endure for a week. Pigs and fowls have a prescriptive right of entrance to real Irish cabins; but it is also common enough to see the litter of a horse or cow beside the bed of its owner. Yet it would be a great mistake to imagine that a family which is thus content to herd together with animals must be otherwise deficient in self-respect or intelligence. On the contrary, the morality and shrewdness of the Irish tenantry are acknowledged by all who are intimately acquainted with them. In their ideas of domestic comfort, indeed, they retain traces of the primitive state from which they emerged so late, and this alone is a strong reason for not discouraging the civilising influence of landlords. Whether that influence is inconsistent with greater security of tenure and greater political independence, is one of the questions which now await a practical solution.

It is needless to say that, in general, the Irish tenant-farmer holds not only without lease, but without any written agreement, nominally at will, but really from year to year, by virtue of a well-known legal presumption. So different, however, is the practice on different estates, and in different parts of the country, that very conflicting estimates have been formed of the actual proportion between leaseholds and tenancies-at-will in Ireland. The Devon Commissioners contented themselves with the surmise that a majority of tenants were tenants-at-will, and several of the witnesses examined before the House of Lords' Committee in 1867 spoke of leases as quite exceptional; but whether only five per cent or as many as thirty per cent of Irish farms were held under lease, is still a matter of dispute. Nothing can be affirmed with precision on this subject before the publication of the statistics now being collected, through the Poor-Law authorities, by the present Government. In the meantime, the basis of an approximate calculation may be obtained, indirectly, by a comparison of the holdings above £15 in annual value, with the number of persons qualified as jurors by virtue of *leasehold* interests above the same annual value. After making proper deductions for double holdings on the one hand, and possible disqualifications on the other, we arrive by this method at the result that little more than one-tenth of the larger farmers in Ireland now hold under lease. The proportion must certainly be less among the smaller farmers, and it is notorious that, in counties like Donegal, where the *petite culture* is almost universal, leases are very seldom granted. We may safely assume then, provisionally, that not above one-tenth, at most, of *working* Irish farmers are leaseholders, though it is highly probable that far more than one-tenth of the whole area of Ireland is in the hands of this minority.

There is little doubt that during the last thirty years, and especially during the last ten years, the system of tenancy-at-will has been gaining and not losing ground.

The Devon Commissioners noticed a growing indisposition to grant leases; and the evidence taken before them, as well as that taken before later Parliamentary Committees, enables us to understand why they have become rarer and rarer. In former times, as we have seen, estates were managed through middlemen holding beneficial leases, instead of through agents paid by a salary. When the landlords realised the ruinous consequences of this practice in stimulating over-population, and when the importance of checking pauperism was further brought home to them by a Poor Law, they ran blindly into the opposite extreme, and would not grant leases even to cultivating tenants with capital to invest. A desire to exercise political influence over those whose votes were no longer the landlord's property, furnished a new and very powerful motive for the same policy; nor has this motive by any means ceased to operate. But, apart from this, many benevolent landlords maintain that, without the power of eviction, it would be impossible for them to carry out schemes of improvement, or even to prevent the peasant-farmers on their estates from relapsing into barbarism. They allow that such a power is capable of great abuse, and is sometimes greatly abused; still, they regard it as one which, on the whole, conduces to the good of the community, and could not be superseded effectually by statutable covenants, or any like security against sub-letting and wasteful cultivation. They allege the irrelevant precedents of middlemen's leases, or leases granted by corporations, to prove that leases are absolutely prejudicial to forethought and energy on the part of tenants, and they complain that, in case of litigation, a landlord has no chance of justice from a common Irish jury. A lease, they say, is essentially a one-sided agreement; it binds the landlord, who carries it out conscientiously, though it be to his own hurt; it fails to bind the tenant, who is always seeking and discovering modes of evading it. They

frequently add, with some inconsistency, that most tenants prefer to hold without leases, objecting to the expense, and dreading the inevitable valuation at the commencement and expiration of the term. At all events, they continue, it would be unreasonable to expect landlords to part with the control of their property at a time when revolutionary theories of tenant-right are abroad, and when concessions, possibly dictated by generosity, may be construed into acknowledgments of adverse claims.

Such are the ordinary arguments advanced by modern Irish landlords in defence of tenancy-at-will, and they are not destitute of a certain logical force. The conclusive reason for condemning it is to be found in the present agrarian condition of Ireland, and in the existence of an Irish land question which taxes statesmanship to its utmost. That condition, and the question which arises out of it, are the legitimate Nemesis of a precarious occupancy, perpetuated, and even extended, in defiance of warnings from the age of Spenser to the age of Petty, from the age of Petty to the age of Arthur Young, and from the age of Arthur Young to our own day. And not only has it been perpetuated, but it has been perpetuated for the most part upon the footing of traditional usage and tacit understandings that were never understood, by verbal assurances of successive agents to successive generations of occupiers, without the safeguard of a written contract or any periodical balancing of accounts between landlord and tenant. Had the far-sighted plans of Elizabeth and James been carried into effect, had the unanimous advice of the statesmen and economists who have studied Ireland during the last three centuries prevailed over the blind instincts of self-interest, "fixity of tenure" could hardly have become the war-cry of tenant-right in the present year. Tenancy-at-will, stereotyped by custom into a system of "embryo copyhold," yet impressed by law with a liability to an indefinite increase of rent or arbitrary

eviction, is the mother of the demand for perpetual fixity of tenure. It is because Irish landlords have been unwilling to grant a reasonable security of occupation, on the basis of contract, that indefinite claims of occupation for ever, on the basis of *status*, have now shaped themselves into an agrarian petition of right, supported by a powerful organisation in every county of Ireland.

We cannot do justice to this movement, or appreciate the grievances, real and imaginary, to which it owes its origin, without placing ourselves once more in the position of an ordinary Irish farmer holding some fifteen or twenty acres of land. Let us endeavour, then, to realise the lot of such a man, and to interpret the feelings which underlie his fierce hatred of landlordism. We shall afterwards be far better able to appreciate the various projects of remedial legislation which have been laid before the public.

The representative Irish farmer was born upon the land which he cultivates, if not in the cabin which he inhabits. Perhaps his ancestors, in far-off times, were entered on the sept-roll as possessors of this very plot, which has been tenanted ever since by his family, though repeated confiscations may have effaced the memory of its superior lords before the last century, and its last purchaser may have acquired it under a sale in the Encumbered Estates Court. Perhaps it was painfully won from the adjoining waste by his father or himself, either in the capacity of a mere squatter, or under a verbal arrangement with the agent that no rent should be exacted for a certain number of years. However this may be, and whether its present occupant inherited it or reclaimed it by his own industry, all that has made it a *home* for him was created by himself or his kindred, nor is it possible for him to regard it as the sole property of a stranger. Every piece of stone-work upon it, from the rude homestead to the meanest shed or byre, was erected by himself or his

forefathers, every fence or enclosure was made by them, every field cleared and roughly drained by them, nor is there any visible sign of proprietorship other than his own, unless it be the occasional presence of an agent who is chiefly known to him as a collector of rent. His rent is not high, it is true, being little above the government valuation, and far less than some insolvent and reckless neighbour would undertake to pay if the farm were put up for competition. His landlord, too, is a kind-hearted man, in his way, never raising a tenant's rent twice in one lifetime, and willing to make abatements in hard seasons, but seldom resident, and cut off from his sympathy by the iron barriers of race and religion. The genial influence of a good English squire, who devotes himself to county business, takes an interest in the parish school, directs his own improvements, and visits his labourers' cottages, is something of which he cannot even conceive. No one ever threatened him with eviction, or informed him directly that in such a case he must not look for compensation. The idea of eviction and its consequences, however, is always present to his mind, and he knows well that if he were turned out by a new proprietor with a passion for consolidation, he would have no alternative but the workhouse or banishment. He remembers that, after the great famine, scores of little cabins disappeared from the mountain-side opposite, and that nothing was ever heard again of their former inmates. It has been reported to him that in the next county vast grazing-farms have been formed out of holdings like his own, and that the experiment has been financially successful. He read only the other day a paragraph in the newspapers advertising for sale just such an estate as his landlord's, and describing it as greatly under-rented and suitable for pasture. He is aware, indeed, that here and there a good landlord compelled to part with a portion of his property has granted leases beforehand to old tenants, and thereby protected their

equitable rights against the purchaser. But he believes such magnanimity to be very rare, and dares not count upon it himself, especially as he is told that since tenant-right has come to mean downright confiscation, proprietors must get their estates, so far as possible, into their own hands. He lives, therefore, from hand to mouth, as his fathers lived before him, tilling no more land than he can till with one horse and without machinery, never laying out a penny that he can help, studiously keeping up the appearance of poverty, and hoarding the little profits of his scanty crops and butter in an old stocking, till he can lodge them clandestinely in the nearest bank for the marriage-portions of his daughters. It is vain to assure him that he may safely rely on the honour of an individual who may die to-morrow, or sell to a Dublin speculator, or be driven into a system of rack-renting by the pressure of his creditors. Why, he asks, should not the law secure to me an indefeasible right of possession, so long as I pay my rent, if this is what I may fairly expect from my landlord's sense of justice? Why should I be left absolutely at his mercy, and my children at the mercy of those who may succeed him, if it be admitted that it would be an abuse of power to disturb my occupancy or confiscate my improvements?

Such, it may safely be asserted, is the normal relation between Irish landlords and tenants in districts where Ulster tenant-right is not established. There are of course many exceptions, and the most has been made of these exceptions by partisans on either side. On the one side, instances are adduced of landlords who have expended immense sums on improvements for the benefit of their tenants, and with little prospect of remuneration for themselves; as well as of tenants who have taken farms on purely commercial principles far away from their own native villages, and have no more claim than a farmer in Scotland to hold on after the expiration of

their agreement. On the other side, instances might be given of landlords who justify the worst suspicions and apprehensions of tenants by watching every sign of thrift and prosperity, not with a view of encouraging and rewarding it, but with a view of extracting a little more rent, and who make no secret of their resolution to do what they will with their own; that is, to manage their estates with a single eye to profit, and without the smallest tenderness for the human beings who may chance to be settled upon them. Landlords of the former class are chiefly to be found among wealthy English noblemen or gentlemen, who conscientiously desire to make up in some degree for absenteeism by liberality and indulgence, or who are restrained by the fear of public exposure from a harsh treatment of their dependants. Landlords of the latter class are too often to be found among the capitalists who have purchased in the Encumbered Estates Court, under which it is computed that one-eighth of the island has changed owners within the last twenty years. But these exceptions are universally felt to be exceptions, and therefore affect but slightly the prevailing relation of Irish tenant-farmers to Irish landlords where Ulster tenant-right is not established. Let us next consider how far that relation is modified in districts where Ulster tenant-right is established.

In speaking of Ulster tenant-right, it must always be remembered that its operation is hardly ever tested, except where a farm is sold by an outgoing to an incoming tenant. So long as a plot of land descends in the usual course from father to son, and so long as the rent is not raised, Ulster tenant-right, so to speak, is dormant, and neither landlord nor tenant has any occasion to define it even in his own mind. It is understood, however, to signify the right of a tenant to dispose of his farm at his own discretion, subject to his landlord's veto on the selection of his successor. However surprising it may be that an usage in force during several genera-

tions over several counties should have been ignored by Irish courts, it is obvious, on a moment's reflection, how difficult it would be to reduce it to a legal rule, even if it were otherwise expedient to extend its principle to all Ireland. The value of tenant-right on any particular farm depends on two elements —the goodwill, and the profit to be expected after deducting the rent. The more these elements are analysed, the more impossible will it be found to distinguish between them, or to define either by economical laws. The goodwill must needs be more valuable where there are many persons ready to bid for it, but it will also vary in price with the character of the landlord and the custom of the estate. It is tacitly assumed in the purchase of tenant-right that no unreasonable increase of rent will be exacted, but the line between a reasonable and unreasonable increase has never yet been drawn with any approach to accuracy. It is stated that, notwithstanding the large sums invested by Ulster tenants in improvements, the rents are there as high as in other parts of Ireland. It is also certain that, although rents may be, and sometimes are, raised so much as to "eat up" the value of tenant-right, the competition for a farm bears no definite proportion to the interest which it will yield on the money paid for tenant-right. Moreover, there is reason to believe that even where the tenant-right has been bought up by the landlord, and nothing has since been spent by the incoming tenant on improvement, he can sell his interest on going out for nearly, if not quite, as much as if he had sunk a large sum on the farm. In short, Ulster tenant-right is an inexplicable paradox until we firmly grasp one guiding principle—the principle that in Ireland security of tenure has *per se* a magical influence in enhancing the value of land both to its owners and to its occupiers. It is because the power of arbitrary eviction cannot practically be exercised in Ulster, and because the Ulster farmer has, as they say, "a hold upon the land," that he is

willing to pay ten or twenty years' purchase for a farm moderately rented. It is because the landlord has, by the custom of the country, a first charge on the tenant-right for arrears of rent, that he cheerfully foregoes part of his legal rights, and submits to a qualified joint-proprietorship with his tenant. There are considerable objections, indeed, to Ulster tenant-right, and good reasons why it should not be artificially propagated, were that possible, on alien soil. Still, no student of the Irish land question can afford to neglect the lesson which Ulster teaches, and no settlement of the Irish land question can be complete which does not incorporate some results of Ulster experience.

We come back, then, once more to *security of tenure* as the one constant and vital necessity for the Irish farmer now, as it has been, in the opinion of the most competent observers, for the last three centuries. But it is often asked why the Irish farmer should require greater security than his brethren in Great Britain, and why the English law of landlord and tenant, which is alleged to work so admirably in England, should be denounced in Ireland as iniquitous and one-sided. Both questions admit of a satisfactory though not of a simple answer. The Irish farmer has little in common with the English or Scotch farmer, beyond the mere fact of holding land. He is not an agriculturist by profession and education, but a hereditary member of that caste, embracing at least half the Irish people, which lives on the produce of its own husbandry, and cherishes all the pride of a yeoman class without the reality of proprietorship. He is a farmer, not because he possesses the skill or capital or inclination for that calling, but solely because he was born upon the soil and has no other resource but emigration. There are no considerable manufactures in Ireland, except the linen-works of Belfast and the neighbourhood, and no regular employment for an agricultural labourer all the year round,

except in a few districts, even if the farmer by caste could degrade himself in his own estimation so far as to seek for it. The humble cabin in which he lives was built either by himself or his kindred as a *home*, and, looking upon it in this light, he invests it with a value to himself far above the cost of the materials and labour required to construct it. The same tenacity of land which makes him so reluctant to part with the inheritance of his fathers, even by way of exchange, makes it difficult for him to find a vacant farm in another part of Ireland, and impossible to gain possession of it without a heavy payment for goodwill, however that payment may be disguised. The chances against his being ejected may be a hundred to one; and it is sometimes described as unreasonable that he should feel insecure when the risk is so remote. But the chances against an attempt being made on the life of a given landlord or land-agent are very much greater; and yet a few agrarian outrages are sufficient to produce a natural sense of insecurity in the whole of both classes. Under like conditions, a like feeling would assuredly spring up among English farmers; and it has actually manifested itself on several occasions where the rights of squatters have been disturbed. But in England, over and above all other differences, there are two circumstances, entirely wanting in Ireland, which greatly modify the operation of tenancy-at-will. In the first place, everything required to make the farm tenantable is done by the landlord, and at his expense; in the second place, the landlord is usually resident, and almost always enjoys the confidence of his tenantry. In Ireland the landlord is usually non-resident, even where he is not an absentee, and rarely succeeds in winning the full confidence of his tenantry, even where his virtues command their respect and affection. It is well known that, as a rule, he neither builds nor fences nor drains the land; but it is not equally well known how vast a

sum has been invested by Irish tenants in these improvements and the purchase of goodwill. Judge Longfield, than whom there is no higher authority, states that "the marketable value of the interests which the occupying tenants have in their farms is about fifty millions sterling, *exclusive of their stock in cattle, machinery, and agricultural produce, which is worth as much more.*" Yet by far the majority of Irish occupying tenants have no other material security for this property but the expense and risk incident to an ejectment.

There is, however, a second and more palpable flaw in the parallel between English and Irish land-tenure. It is not the fact that both are practically governed by the same law at this moment; still less that both were governed by the same law in those evil times of which the sins appear to be visited upon ourselves. They cannot be said to be governed by the same law at this moment, while local customs more widely and deeply rooted than most of those which are imported by implication into agricultural contracts in England are excluded from judicial cognisance in Ireland; or while the Irish procedure in distress and ejectment differs from the English law in favour of the landlord. They cannot be said to have been governed by the same law, or even by the same principles of justice, so long as the Roman Catholic tenant was under agrarian as well as religious disabilities, or so long as the poorer tenant, having no legal claim to charitable relief, and no means of emigration, was driven by an extremity, which it is a mockery to confound with free-will, to pay a famine-price for the occupation of land enough to grow potatoes for himself and his family. The effects of this oppressive system are not yet worn out, and legislative remedies may well be employed to mitigate evils for which an unjust state policy is so largely responsible. It is idle—nay, it is worse than idle—to plead the dogmas of economists against

the slightest parliamentary interference with so-called liberty of contract. The Irish peasant-farmers are neither the creatures of contract, nor capable in their present state of contracting with landowners on equal terms. They are the creatures of a serfdom, produced, in great part, by successive conquests, and perpetuated, in great part, by laws in the enactment of which neither they nor their ancestors had any voice. True *political* economy recognises facts of this nature; it is a spurious political economy which rejects them. That it is legitimate for Parliament to review the whole land-system of Ireland by the light of principles higher than mere legal or mere economical rules, admits of no question at all. The real question is upon what basis a new land-settlement of Ireland—for it is no less—can most safely be founded.

VII. There are certain general considerations of which a clear perception is essential to a solution of this question, yet which are too often left out of sight in popular discussions of it. The first, and most important, is the necessity of distinguishing between the process, so to speak, of closing accounts with the past, and the process of introducing a better system for the future. It is one thing to acknowledge and appraise equities and imperfect rights, which have grown up, no one can say how, under the loose and indefinite relations hitherto subsisting between landlords and tenants-at-will in Ireland. It is another thing to favour the growth of such equities and moral rights by prospective measures. If it was the mistake of those who framed the Acts of 1860 to have overlooked their existence, it is the mistake of many who have since propounded schemes of agrarian reform for Ireland to overlook the reasons for promoting their gradual extinction, and encouraging tenure by express contract. A second point on which it is desirable to guard against any confusion of thought, is the possible effect of legislation on existing "rights of pro-

perty." We must not forget that rights of property are not confined to landlords, and that, in fact, legislation is now invoked because the Irish tenant's rights—that is, his moral rights—of property are allowed to be inadequately protected by law. Nor must we fail to observe how widely the case of a tenant who has recently obtained temporary possession of land upon an express contract or lease, differs from that of a tenant who has virtually inherited it, and has been permitted to deal with it, for many purposes, as if he were part-owner of it. The history of English copyholds supplies a precedent for treating such interests as capable of being matured into an indefeasible tenure, and commuted, at last, into tenancy in fee-simple. It is often said that nothing can properly be done by the Legislature which may in the least degree impair the market-value of the landlord's estate. It is impossible to maintain this position against the paramount duty of the State to make laws for the good of the whole community. Privilege, in its Latin sense, is contrary to natural justice, but it has never been denied that Parliament may impose a general tax, like the poor-rate, on any class of property, whether real or personal, though its value may be incidentally diminished thereby. Even the purchaser in the Encumbered Estates Court, as Judge Longfield has shown, would have no ground of complaint if legislation should happen to affect him, since he was guaranteed only against latent private rights, and bought subject to all liabilities to be imposed thereafter by lawful authority. But, though a change in the law would not be open to any sound objection, merely because it might depreciate the interests of Irish landlords, it is far more probable that a land-settlement, giving security of tenure without confiscation, would have the very contrary result. The best test of its success would be the development of a large increase in the agricultural produce of Ireland, by the investment of capital, labour, and skill, now withdrawn from

the land, and this increase would leave a sufficient margin for a gradual rise of rents as well as of tenants' profits. One more source of error demands notice. Since a Court or Commission of Arbitration will be necessary, on almost any hypothesis, for the adjustment of disputed claims which may have already accrued, it is sometimes proposed to evade the main difficulties of the question by arming this body with absolute powers. The Imperial Legislature cannot thus delegate to any tribunal its own responsibility. The principles upon which the Irish land question is to be solved must be laid down once for all by the State; the utmost that can be done by judicial machinery is to apply them with a large discretion.

Bearing these considerations in mind, we have next to compare with each other the leading features of several alternative plans for the agrarian settlement of Ireland now before Parliament and the nation by Government. Nearly all of these plans, various as they are in detail, and diverse as the quarters are from which they emanate, may be reduced to four great classes or types. The first aims no higher than a modification of the existing law, without altering its basis—as, for instance, by reversing, in respect of future tenancies, the presumption of law which vests all improvements in the landlord. The second would give legal validity to all customary rights which have already accrued, or may hereafter accrue—as, for instance, by declaring that Ulster tenant-right, and all payments for goodwill sanctioned by usage in other parts of Ireland, shall be a binding charge upon the land. The third would convert Irish occupiers, with or without exception, into lessees for ever at a ground-rent, whether fixed or variable, and subject to some restrictions—as, for instance, on subletting; while the present landlords would become, at best, the possessors of a rent-charge which might or might not be increased in amount. The fourth would provide means, by the use of State-credit, for the purchase of the

fee-simple in their own farms by those occupiers whose landlords should be willing to sell, and who should be able to satisfy the conditions which might be prescribed.

1. Plans of the first class have been embodied in a series of bills introduced by Governments as well as by individuals, and have been accepted in principle by statesmen of both parties. So far as they go, they might help to mitigate the grievances of Irish tenants; but their fatal defect is, that they do not even purport to reach the root of those grievances. One of them would give a future tenant very considerable privileges, but only in the absence of a written agreement, so that his landlord might defeat them by a stroke of the pen. Another would enable a future tenant, on application to a public office, to borrow money for certain improvements, to make them without his landlord's consent, and to obtain security for his outlay. Another would deprive the landlord of his right to evict unless the contract were in writing. Apart from any other shortcomings, all remedies of this kind are palpably inadequate, inasmuch as they leave the £50,000,000 worth of existing tenants' interests entirely without protection. The rule of compensation might indeed be made retrospective, and the landlord bound over, as it were, not to evict capriciously under the penalty of having an outstanding account with his tenant opened before an adverse jury. But this indirect method of establishing security of tenure would meet neither of the objects to be kept in view. It would keep alive the vague claims which it is so important to ascertain, and, if possible, to clear off; and it would rather impede than advance the substitution of tenure by contract for tenure by *status*.

2. The second class of plans offers, at first sight, great advantages. It rests on the presumption that custom, being of spontaneous origin, is the most solid foundation of law, and its supporters appeal with confidence to the experience of

Ulster. But the experience of Ulster, however valuable, is not altogether favourable to Ulster tenant-right, nor, if it were so, would it follow that a like system would be congenial to other provinces. Ulster tenant-right is the fruit, rather than the origin, of Ulster prosperity and represents the overflowing of surplus capital from the linen trade into the land. Moreover it leaves tenants at the mercy of landlords so far as concerns the standard of rent which after all determines the commercial value of goodwill; and if Ulster landlords seldom abuse this power, it may be partly because Ulster tenants are otherwise a far less dependent class than Irish tenants in general. In fact, those who advocate this remedy do not contemplate a mere stereotyping of existing customs, mischievous as that would be; they contemplate so liberal a definition of them by the Courts as would really involve a very large extension of them. Now, though it may appear simpler to legalise all customary relations between landlords and tenants, and throw upon judges and juries the duty of codifying them, than to found a new system by Act of Parliament, this simplicity lies in the conception and not in the execution. Nor does the one demand a slighter exertion of legislative authority than the other. The interests of Ulster landlords would be quite as sensibly affected by depriving them, for example, of the right to raise the rent, as by providing for the merger of tenant-right in parliamentary leases. On the other hand, the interests of a tenantry, which, owing to its very weakness, might have no protective custom to produce, would be actually prejudiced by the adoption of a principle making custom the measure of right. This principle has a proper application, but it is properly applicable to the first only of the processes involved in a complete land-settlement of Ireland. The proof of customary rights is all-important in closing accounts with the past; it can have but an indirect bearing on the course of legislation for the future.

3. For somewhat different reasons, that class of plans described with sufficient accuracy by the common phrase "Fixity of tenure," must be set aside as indefensible. The one merit of "Fixity of tenure"—whether in the form of a sixty-three years' lease or of a perpetual lease—is, that it would propitiate the present generation of tenants. Whether it would permanently satisfy even them, if accompanied by the stringent conditions for good husbandry and regular payment of rent, originally proposed by its exponents, is at least very doubtful. What is certain is, that while it would amount to a confiscation of all the rights which distinguish landlords from mortgagees, it would assure to every tenant more than he ever honestly claimed, and to many far more than entered into their wildest dreams on taking possession of their farms. This it would do without the least discrimination between the deserving and the worthless, the solvent and the insolvent, the man who never failed to pay his rent and the man who is several years in arrear, the shrewd capitalist who came in yesterday and the peasant-occupier whose family has been settled upon the land for centuries. Without abolishing landlordism, it would promote absenteeism, and so paralyse the hands of Irish landlords for good as well as for evil, that it would be far better for the State to buy up their rights. The new monopoly and double ownership which it would create would be almost equivalent to a prohibitive tariff on the transfer of land, and especially on its acquisition by the class of agricultural labourers. It is superfluous to add that it would be an effectual barrier against the adoption of tenure by contract, for that, of course, is its main design. These objections are weighty and decisive enough by themselves, and do not require to be fortified by arguments of dubious cogency. It is doubtless within the competence of the sovereign power in this realm to establish fixity of tenure, and changes not less organic

have been successfully carried out in modern times by the governments of France, Russia, Prussia, and the United States. A lower sum than was voted for the compensation of West Indian proprietors would probably suffice to indemnify Irish landlords for any pecuniary loss which they might sustain by the conversion of their rents into rent-charges. But the *suprema lex* must not be invoked except where the public good imperatively demands it; whereas here the dictates of policy and justice alike point to a different solution of the question.

4. The fourth class of plans, though its principle was not long since denounced as a flagrant encroachment on the rights of property, is now generally admitted to be vulnerable, if at all, on the very opposite ground. Mr. Bright, who first broached the idea, borrowed from the Prussian land settlement, of aiding the formation of a farmer-proprietary by a State loan, had proposed to offer landowners, who might be willing to sell, a price somewhat above the market value of their estates. Whether the concession of this bonus would be necessary or strictly consistent with sound economy, is fairly open to discussion, but every one now sees that, whatever else it may be, it is not a robbery of landlords. Even those who least admire the system of rural economy which results from a minute subdivision of properties, do not deny that many parts of Ireland present favourable conditions for the experiment. It would be possible to require such guarantees of solvency and good conduct from persons applying for advances as practically to eliminate all but the better class of farmers; and as no one could acquire the fee-simple till all the instalments were paid off, these would probably be collected with as much facility as imperial taxes. In short, the scheme is capable of being made self-guarding by the use of judicious precautions, and may be attached as a supplementary measure to any other form of settlement. Its weakness is that it can only operate

in those comparatively rare cases where there is a landlord disposed to sell, and a tenant not only ready to purchase, but possessed of the capital and energy to bear an addition to his rent for twenty or thirty years.

We cannot, then, find in any of the projects thus roughly delineated, the basis of a truly comprehensive policy on the Irish land question. That question cannot be settled without an effort of constructive statesmanship, such as this country has not made for many years. No permissive Acts will avail against the profound mistrust which separates the classes interested in land; no violent transfer of rights will produce that sense of security for which Ireland has been waiting ever since her ancient land laws were superseded by feudal tenures; no empirical assimilation of law to custom will cure the evils which spring from vicious customs, themselves the offspring of vicious laws. Neither by taking English law, nor by taking Irish usage, as our point of departure, can we hope to arrive at a just view of the task now devolving upon the Legislature. Such a view can only be gained by a careful study of the facts which have made Ireland what she is, and of the tendencies which indicate what she might be. Too exclusive stress has often been laid on the former, and pictures drawn before the famine, when the poor-law and the national system of education were in their infancy, are accepted as if they correctly represented the present condition of the country. To judge of that condition as the next generation will judge of it is indeed impossible, but the extraordinary abundance of evidence respecting it which has been collected during the last few years has brought the land question fairly within the cognisance of educated public opinion. It is our duty to exercise an independent judgment upon it, and unless an independent judgment could be exercised upon it by political students in Great Britain, it would not be ripe for solution.

VIII. In striving to concentrate our conclusions into a few principles capable of being worked out by a draughtsman into a statute, let us resolutely put aside all difficulties arising merely from prejudice or the exigencies of party tactics. Wise laws can only be framed in the spirit of a wise lawgiver clothed with supreme legislative authority. We have now to consider what kind of measure such a lawgiver would enact for Ireland, never forgetting the cardinal distinction between the process of arbitrating on past claims, and the process of building up a land-system for the benefit of posterity.

Dealing first with the past, he would lay down the broad principle that all existing tenants' improvements, made with the consent or connivance of the landlord, belong to the tenant, in the absence of express stipulation to the contrary. He would place in the same category all payments for goodwill made with the privity of the landlord, thereby legalising retrospectively the common practice of Ulster tenant-right, where the purchase money is paid by the incoming tenant through the agent's office, and the arrears of rent deducted before it reaches the hands of the outgoing tenant. A large class of cases would remain in which the last or some former tenant was bought out without the landlord's knowledge, or the sanction of local custom, if not in direct contravention of the rule of the estate. He would exclude these cases from the operation of the general principle applicable to Ulster tenant-right, and would not allow a pecuniary claim to be set up against the landlord in respect of expectations founded on confidence in his indulgence. At the same time, he would recognise, not indeed "tenure by *status*," but a beneficial right of occupancy, bearing an assignable money value, which might be fixed at three or four years' purchase, over and above the worth of unexhausted improvements. Where more was claimed, on the ground that successive landlords had dealt with successive occupiers upon the implied understanding that

rent should not be raised, he would lay the burden of proof upon the occupier, and would not permit tenants to charge against the landlord illicit payments of blackmail, for which, perhaps, they may already have reimbursed themselves by the exhaustion of the land. On the contrary, he would treat any deterioration of the soil by wasteful farming as a subject of set-off on the landlord's side of the account. He would, moreover, enable the landlord to plead against a claim of compensation for improvements any facts which might rebut the presumption; as, for instance, the fact of the land owing its present value to causes independent of the tenant, or the fact of its having been let at a nominal rent during reclamation, with a tacit proviso that it should afterwards be re-valued. For the purpose of assessing all these claims and counter-claims, he would institute a Special Valuation Commission, for which peculiar facilities exist in Ireland, and which, strange to say, was suggested by Spenser, on different grounds, three centuries ago. He would invest this body with a large equitable jurisdiction, and would cause a complete Domesday Book to be compiled for the whole island, after full judicial inquiry, registering the ascertained amount of each tenant's interest in his holding. That amount would thenceforth become a charge upon the land, and no tenant could be evicted, except for specified breaches of duty, until his registered charge should have been liquidated.

Having thus provided for retrospective compensation, the lawgiver would proceed to pave the way for a peaceful transition of the Irish land-system from tenancy-at-will modified by custom to leasehold tenure of certain duration and upon definite terms. For he would not hesitate to act upon the conviction, supported by so great a preponderance of authority, that in this form of tenure is to be found at once the strongest incentive to scientific agriculture and the best safeguard against agrarian disputes. He would be prepared to cut the central

and only intractable knot of the Irish land question, by encouraging, and if need be compelling, landlords to grant leases, in cases where a claim to receive them should have been established. He would, therefore, instruct the Special Valuation Commission to distinguish, by reference to a few simple rules, between tenants qualified to receive leases and tenants entitled only to compensation for improvements and disturbance. He would probably select as the chief test of qualification the continuous occupancy by the same family of the same farm during a certain period, coupled with the punctual discharge of all a tenant's obligations; but he might also require some tangible pledge of an intention to execute further improvements upon it. Whatever test he might select, however, the end which he would keep in view would be to give all the most respectable tenants, above mere cottiers and allotment-holders, security of tenure without perpetuity of tenure. To effect this, he would empower the Special Valuation Commission, at the option of the qualified occupier, to commute his equitable right to compensation into a Parliamentary lease of which the length should depend on the duration of previous occupancy, and the proofs of good husbandry on the claimant's part. His greatest difficulty would consist in fixing a fair standard of rent for such leases, but this difficulty would not prove insuperable. The standard which he would adopt would not be the old rental, for that would be a penalty on benevolent landlords, nor would it be the nominal rental that might be obtained by competition, for that might be double the annual value. He would take the public valuation, duly adjusted, as, on the whole, more trustworthy than either, leaving the Commission to adjudicate upon the many circumstances which might warrant a departure from it. In the meantime, he would resort to indirect methods of inducing both parties to anticipate the action of the Commission by voluntary arrangement. He would exempt leases from stamp-

duty; he would import full leasing powers into every settlement, and he would make government loans for land improvement conditional on the land being under lease. He would make all leases forfeitable upon wilful breaches of their essential conditions, and, in every case, he would make the acceptance of a lease operate, *ipso facto*, as a merger of all pre-existing equities.

The general result of these provisions would be that nearly all the best tenants in Ireland would hold upon the same footing as all the best tenants in Scotland, and that an amnesty of all past grievances would have been passed, so far as they were concerned. Still there would be some good tenants who had declined to accept leases in lieu of a privileged dependence, and many indifferent or recently-settled tenants who had failed to obtain them, for want of qualification. All of these, even if not protected by the Ulster custom, would have a material security against *arbitrary* eviction in the registered charge for their former improvements and beneficial right of occupancy; but the lawgiver would hold out further inducements for the gradual conversion of the more industrious and improving into leaseholders. He would, in the first place, annul the presumption of law that an agricultural tenancy is a tenancy from year to year, and give every tenant in future the right to hold on for at least five years, in the absence of a written agreement. He would also reverse the presumption of law with respect to improvements, and deprive the landlord of the right to distrain in the absence of a written agreement. But he would not suffer landlords to be defrauded by dishonest, or the productive qualities of the soil to be ruined by incapable, tenants. He would establish a summary mode of procedure for suits between landlord and tenant, and would enforce punctuality in the payment of rent and the fulfilment of a tenant's primary obligations by the appropriate penalty of eviction.

Lastly, he would organise a Board, analogous to that which in Prussia has carried out the grand reforms of Stein and Hardenburg, for the purpose of regulating the purchase by tenants of the fee-simple in their holdings. This part of the scheme he would entrust to a department of the existing Landed Estates Court, with instructions to aid those only with State funds who, by depositing a stated proportion of the price, and finding good securities for the remainder, should have given some earnest of their capacity to strengthen that class of substantial resident yeomen of which the want is so much felt in Ireland. The same Board, associated or amalgamated with the Board of Works, might well superintend all improvement loans, which, in exceptional instances, should be extended to improvements by tenants, and might be authorised to sanction the sale of land by limited owners, for the execution of reproductive works or the redemption of tenant-right. It might also organise the means of settling the surplus agricultural labour of Ireland on a portion of the 2,000,000 acres of *reclaimable* waste.

Other changes, not less intimately but less exclusively affecting agricultural relations in Ireland, he would reserve for a time when they may be introduced for the whole United Kingdom. For the present, he would abstain from dealing with the laws prescribing the descent of landed estates on intestacy, and with those enabling entails to be made on unborn children. He would not, however, fail to discern in the former a fertile cause of absenteeism and social disunion, or in the latter a disastrous impediment to free trade in land and an enlightened management of property. He would recognise, too, in the ballot a potent remedy against the evil spirit of class-ascendency, since it would deprive Irish landlords of their most intelligible motive for keeping up tenancy-at-will. For it is needless to say that he would utterly reject the policy of governing Ireland through the landlords as con-

demned alike by experience and political science, while he would seek to preserve and even to extend their legitimate and civilising influences.

IX. A land-settlement founded on principles like these would assuredly effect an agrarian revolution, but it would be a revolution gradual in its operation, and most conservative in its ultimate results. The fixity of tenure which it would initiate would differ from that demanded by agitators in four essential respects, being granted with judicial discrimination, limited in *maximum* duration, variable according to strict rules of previous qualification, and consistent with the landlord's sole property in what have been called "the latent qualities of the soil." That it would require careful revision in detail, and would depend in a great degree for its success on the machinery employed to carry it out, is an inevitable consequence of its elastic character. But it would at least possess two merits of the highest importance—that it would not create a double ownership, which Prussia has spent half-a-century in abolishing, and that it would involve no further legislation. The State would intervene, once for all, and by a single exertion of its sovereign power would reconstruct the Irish land-system, leaving all subsequent adaptation and adjustment to be worked out by the parties concerned, under the supervision of responsible public officers. Its results would register themselves with unfailing accuracy in the agricultural statistics annually presented to the Irish Government. All theorists are agreed that owners and occupiers of land are, in some degree, trustees for the community, and bound to develop the resources of the soil for the support of their fellow-countrymen. If, then, it should be proved that far richer harvests are yielded by the soil of Ireland under security of tenure than were ever raised under tenancy-at-will, the Legislature would be justified in concluding that it had conferred a blessing on all classes in

Ireland. The larger share of that blessing would be divided between Irish landlords and Irish tenants, and the returns to be derived from a far-sighted investment of capital would amply suffice, as we have already remarked, for the concurrent increase of rents and farmer's profits.

One objection remains to be considered, for it is an objection which, if admitted, is decisive against this or any other land-settlement for Ireland, short of naked confiscation. It is sure to be alleged that it will not be accepted as satisfactory or final by the Irish people. But what is this "Irish people" which is thus personified so readily for purposes of flattery or for purposes of disparagement, by those who affect to be its champions, and by those who in their hearts regard it as an inferior race? And what statesman, worthy of the name, would shape his policy by the wild and passionate aspirations of the very men whom he is striving to educate, by just laws, into a respect for government and property? And what verdict would history pass on that legislature which, at such a crisis, and with such an opportunity within its grasp, should be swayed by popular clamour, instead of acting upon a calm and clear-sighted perception of the end to be achieved?

It is not, indeed, within the compass of human wisdom to devise an agrarian settlement of Ireland which shall not offend many deep-seated prejudices and disappoint many delusive hopes. No settlement designed to awaken a spirit of loyalty and confidence among the Irish peasant-farmers can be otherwise than hateful to men who trade upon the spirit of disloyalty and suspicion; who live by maligning, not the Imperial Government only, but the British people; and whose supreme aim is to mar the constitutional pacification of their country. No settlement that raises Irish peasant-farmers to a position of independence, both political and social, can be welcomed by that party of Ascendency

which looks down upon them with more than feudal arrogance, and cannot endure the bare thought of dealing with them upon a footing of equality. No system that favours the gradual transmutation of custom into contract, and the ultimate development of a land-system in harmony with the commercial tendencies of modern society, can fail to disgust enthusiasts who place traditional usage above economical science, and seek for their ideal of Irish wellbeing in a past that was never present. No settlement that jealously guards the rights and interests which have already accrued under tenure by *status*, can please that *doctrinaire* school of economists who assume freedom of contract where it could not exist, and would rather do injustice to a whole population than sanction a principle which they cannot find in their own narrow creed. But, even if all this were possible—were it possible to combine in one measure all the conflicting theories on the Irish land question—it would still be impossible to accomplish in one year that which involves a radical change in national character. No settlement to be embodied in a single Act, however comprehensive and beneficent, will charm away the lethargy of Irish temperament, or undo the effects of that prolonged misgovernment which stunted the growth of industrial habits. No settlement can blot out the dark memories of a bondage which kept Ireland centuries behind the rest of Europe in the arts of peace, and for which the agrarian terrorism of our own day is but the retribution. No settlement can suddenly create in Ireland a generation of honest and patriotic leaders, capable of interpreting it to the people, and moderating the inevitable shock of a change in the organic relations of classes. No settlement can reverse the permanent conditions of soil and climate, of mineral resources, and of geographical position, which, in the absence of any political cause, would

make it difficult for Ireland to keep pace with Great Britain in the race of civilisation.

Yet it is possible—nay more, it is certain—that such a land settlement as we have contemplated would break the spell which now binds the physical and moral energies of Ireland. It would at once give the whole class of improving tenants an independent stake in the country, and enlist their support, by the strongest motives of self-interest, on the side of law and order. It would assure to all other Irish occupiers so valuable an indemnity against eviction as would be practically equivalent to security of tenure, defeasible only upon their own wilful default. It would thus relieve, at least, half the population of Ireland from the perpetual dread of "removal," but it would not root them, like serfs, in the soil, or cut off from the landless cottier the hope of becoming the possessor of a farm. On the contrary, it would promote a healthy consolidation by converting tenant-right into a marketable commodity, of which the owner might dispose freely, with the landlord's consent, either to a wealthier neighbour, or to a thrifty day-labourer seeking an investment for his little savings. It would liberate millions of capital now lying in the banks, and, imparting a new life to Irish agriculture, would arrest the chronic paralysis of Irish trade. It would sweep away the last grievance for which the Imperial Government is responsible, and, with it, the last pretext for inciting Irishmen to despair of justice from Great Britain. All this it would do, without violating any moral right of property, or checking the progressive increase in the rental of Ireland. It might not evoke a short-lived outburst of barren and servile gratitude, but it would surely quicken the latent germ of that manly public spirit which, in all time, has been the sovereign antidote against anarchical passions, and the mainspring of every civic virtue. And thus it may come to pass that, in settling

the Irish land question, we are destined to settle that greater Irish question of which it is but a part—the question whether Ireland shall continue to brood helplessly over her ancient wrongs, a querulous and unprofitable member of the European family, or shall henceforth work out for herself her own regeneration, in cordial union with the sister-nation to which Providence has linked her by an immutable decree.

G. C. B.

FROM PESTH TO BRINDISI

IN THE AUTUMN OF 1869.

WHATEVER else may be thought of the twin-city of Buda-Pesth, there can be no doubt about its beauty. In this respect it ranks with Genoa and Naples, and it would not be surpassed by Edinburgh itself even if the Forth ran with a full current between the Old and New Town, where the North Loch once was. Solid masses of building, in a handsome semi-oriental style, are rising at Pesth, and the passing stranger receives a prevailing impression that the entire realm of Hungary is instinct with the new life which belongs to recovered liberty and to a hopeful state of the public mind. It has been reserved for Austria to attach a new and higher sense to the old maxim, "Divide et Impera." Buda was for 144 years the residence of a Turkish Vizier, who had several Pashas under him, but all that remains of this long period of Turkish power is their baths, and the tomb of a solitary Dervish, the preservation of which is secured by a special article in the treaty of Carlovitz.

Instead of going by the night train to Baziasch, we took our passage by a local steamer to Belgrade. This enabled us to see the people of all ranks as they entered or left the vessel, or awaited her arrival on the bank. There were many picturesque groups, but they were not all in sheepskin. One of our fellow-passengers answered so exactly to the traditional idea of a Hungarian magnate, that, so far from thinking of speaking to him, we scarcely ventured even to look at him. This reserve was unexpectedly broken by the gentleman him-

self, who said, in excellent Yankee, that he hoped I would excuse him for introducing himself, as he liked to take every opportunity of refreshing his English; and very polite and entertaining he was. His father had taken refuge in America in 1848, and the family had now returned to enjoy the new fortunes of their country. This is another example of the uses of adversity. Since her revolutionary period, Hungary has ceased to be enveloped in a grand obscurity. Many of her eminent men were scattered over the civilised world, and Hungary is now profiting by the high estimation in which they are held, and by the knowledge they have acquired of the means by which nations attain to a high and secure position.

The first thing we remarked on approaching the famous fortress of Belgrade was the Turkish flag and the minarets of the mosques, as if it had been still a Turkish town. This seemed strange, for we knew that the place had been evacuated by the Turks more than two years before. In the evening there was a marriage festival at our hotel, to which we were courteously invited, and after the long line of the national dance had been formed, in came a splendidly-dressed Mahommedan. The young people immediately seized upon him, and he good-humouredly performed his part with the rest as well as he was able. The explanation of all this is, that the Servians are capable of biding their time, and of following out a well-considered consistent policy. It is true that, by one of the articles of the treaty, the mosques are to be respected, and the Turkish standard is to be displayed whenever the Servian national flag is hoisted; but how would it have been if the mercurial Greeks had been one of the parties to the question? And the national feeling of the Servians will not allow of any separation of interest from their brethren of the same race and language whose ancestors conformed to Mahommedanism. They have a public revenue of only

£500,000 a-year, but they keep within their means, and always have money to spare for anything that is really wanted. Nothing is allowed merely for display. Their standing army, if it can be so called, consists only of a few hundred men; but the entire male population is regimented, officered, and trained, on the Swiss principle, and effectual steps have been taken to supply them with arms of the most improved construction.

The stability of the Servian institutions has lately undergone a severe trial. As the reigning prince, Michael Obrenovitch, was taking his evening walk with two ladies in the grounds of his suburban villa, six men drew up on either side of the narrowest and most secluded part of the path, and saluted him with their left hands, keeping their right hands on their revolvers. The prince became deadly pale, but returned the salute, and was immediately fired into from behind. In her endeavour to protect him, the elder lady flew upon his assassins, and was found after death with her hands full of hair. The prince was killed with fearful mutilation. The younger lady ran for her life, which she owed either to the mercy of her pursuer or to his belief that she was already dead, for she did not escape without two wounds. This was the work of a rival faction, but public opinion immediately turned against the assassins and their instigators, and the hold of the reigning family upon the affections of the people has been confirmed. The ghastly details were told us on the spot by the British Consul General, who happened to be driving in the neighbourhood on the evening of the massacre, and was the first to give assistance.

The former Turkish quarter of Belgrade and the University may be taken as types of the past and future of Servia. The wooden houses in which the Turks delight are rapidly falling to ruin, while the mosques are undergoing a slower process of decay. The instruction given at the University is of a practical

kind, suited to an early stage of national development. It has been wisely determined to link on the civilisation of Servia to that of the Christian countries to the north; and the study of German has therefore been made obligatory, and the more advanced students are encouraged to complete their education at foreign universities. There is a zealous and enlightened body of professors, one of whom (Mr. Schafarik) has laid the foundation of an interesting museum of national antiquities.

When we resumed our voyage, we soon came to the place where the mountains close in upon the Danube. The scenery is grander than upon the Rhine; and it has this additional interest, that the precipices on the southern bank are marked with the traces of Trajan's road. As the Romans had no gunpowder to blast the rocks, they formed their galleries on the face of them by cutting a narrow ledge, which was widened by a wooden shelf. The ledge, and the sockets in which the beams were fixed to support the shelf, are still there, and the work is commemorated in a contemporary inscription, surmounted by a Roman eagle, on the face of the precipice at the end of the defile. The famous "Iron Gates" are not a narrow pass in the mountains, but a magnificent rapid on the Danube; and the remains of Trajan's bridge are to be seen in the smooth water at the foot of it. Twice we had to change our steamers, besides exchanging them for carriages at the Iron Gates. Modern civilisation on this great European highway is still short of the point attained by the Romans more than 1700 years ago. The difficulties in the way of improving the navigation at the rapids are not greater than those which have been overcome on the Shannon and Godaveri, or at the mouth of the Danube itself by Sir Charles Hartley, the engineer to the International Commission. The bridging of the Danube must await the extension of the railway system to Constantinople *en route* to India.

After this came Wallachia on the northern, and Bulgaria on the southern bank, and we had not gone far before I counted, at an obscure landing-place on the northern bank, thirty ploughs of the most advanced pattern, and two large threshing machines marked "Clayton and Shuttleworth, Lincoln." Upon expressing my surprise to an English gentleman who had long held an official position in the country, he told me that this was nothing compared with what was daily to be seen upon the wharves at Galatz, for the old mode of treading out the corn with horses had been entirely given up, only improved agricultural implements were used, and high farming with the aid of steam was by no means uncommon. No country in Europe is going ahead faster that Roumania. A solid basis has been laid for a self-supporting state by the union of the Principalities; the settlement of their land question has been successfully accomplished by the apportionment of the soil in full proprietary right between the emancipated Serfs and the Boyards; and they are proceeding prosperously on the principle of throwing their whole strength into agriculture, for which their country affords splendid resources, and getting their manufactured goods from England and other countries. Only one decided symptom of their former low state of civilisation remains. I had frequent conversations with a Wallachian gentleman, who expressed the most enlightened sentiments on the state and prospects of his country until the Jews happened to be mentioned. The effect produced was like touching the monomania of an otherwise sane person. "But you have no notion," he said, "how dirty they are. They *will* wear their uncouth gaberdines; and then they live upon next to nothing, and monopolise the retail trade." I remarked that the Roumanians could hardly do without the Jews, and recommended the equal justice and kind treatment which have assimilated them to Englishmen, and induced them to contribute so largely to the prosperity of their adopted country;

but it was plain that, for the present, nothing but the pressure of European public opinion would secure good treatment for the Jews in Wallachia. The example of Russia was quoted in defence of the harsh treatment of the Jews.

In connection with the southern bank, we did not see or hear of a single sign of improvement; and when we crossed the important section of Bulgaria from Rutschuk to Varna, the aspect of the country was positively depressing. Vast tracts of fertile land were covered with dwarf jungle. There was that absence of accumulated means of any sort which is characteristic of the worst-governed Asiatic countries; and the dwellings and dress of the people, and their cattle and agricultural implements, were of the most inferior kind. The railway, which is generally a sign of improvement, only exposed the nakedness of the land in more striking colours. It does not even pay its working expenses; and an act of brigandage had recently been committed in connection with it, which interfered even with its small amount of traffic. We went at a snail's pace through the dangerous neighbourhood, and were kept prisoners within the walls of the station. When I wished to indulge my curiosity with a view of the surrounding country, I was turned back by a soldier armed to the teeth. Yet the Bulgarians formerly besieged Constantinople, and put two emperors to death after they had beaten them in the field, and they made a gallant stand against the Turks. The *blight* (it is different from simple tyranny) which has always accompanied Turkish rule, has done its worst in Bulgaria, and is even now in active operation. The Tartars who emigrated in large numbers from the Crimea after the war, were interpolated among the Bulgarians upon lands cultivated or pastured over by them. The Bulgarians were forced to send their carts and oxen from distant villages in the Balkan to transport these Tartars from the sea-side, with their families and household goods; and, when they arrived, they at once took up the

position of the dominant religious caste, and ordered the Bulgarian women to the mountains to lay in a stock of firewood for them, while they remained sitting smoking their pipes at home. This very year the persons who had usually farmed the tithe were deterred from coming forward by previous losses, and the government had to collect it through its own officers. The crops remained for weeks upon the ground, suffering from insects, birds, and rain, while the cultivators saw their neighbours on the opposite side of the Danube busily engaged in threshing out and shipping their grain.

Yet there is hope even for Bulgaria. The life of every eastern people is in their religion, and the movement commenced by a claim on the part of the Bulgarians to have bishops and clergy of their own race and speech. Many different nations belong to the particular form of Christianity known as the Greek Church, but it does not follow that they should have a Greek priesthood forced upon them. In like manner many different nations belong to the Roman Church, but they show no disposition to submit to the yoke of a Roman priesthood. Nothing can be more truly national than the religious services and priesthood of the Russian branch of the Greek Church; and the first use made by the Servians and Roumanians of their-newly acquired freedom was to establish the independence of their respective churches. Even the Greeks of the Kingdom organised for themselves a separate synod, under an independent Metropolitan, immediately after their emancipation.

This is not a question between Greeks and Bulgarians, who form, with the Roumanians, Servians, and Montenegrines, co-ordinate members of the same political system, with equal rights and similar political objects. Instruments in the hands of the Greeks the Roumanians and Bulgarians can never again be, but they may become invaluable allies. As the Patriarch of Constantinople is appointed by, and exercises his

functions under, the immediate influence of the Turkish Government, the persons deputed by him to the chief positions in the provincial churches, act in the spirit of Turkish officials, and ecclesiastical independence of Constantinople has therefore always been considered an indispensable condition of civil autonomy.

Connected with this religious movement is a very important educational revival. Great exertions are made to provide school-books in the Bulgarian language, and to establish schools of every class, as fast as qualified teachers can be obtained. "Bulgar" has ceased to be a term of reproach, and many gentlemen of that nation, at Constantinople and elsewhere, who had disguised their nationality under Turkish forms, are now proud to be known as Bulgarian patriots. The Bulgarian nation is not confined, as is generally supposed, to the territorial limits marked in the map as Bulgaria. The Balkan (Hæmus) are rather the backbone of the race than its southern limit. They claim to be two and a-half or three millions. It is a striking illustration of the degree to which the long-depressed Christian races in the old Eastern Empire have taken heart, and are preparing themselves for a brighter future, that the Armenians, who had become more than half Turk in language and feeling, have of late years established schools, purified their language, and cultivated its use in writing and speaking. Although divided in religious opinion between Gregorians, Roman Catholics, and Protestants, they are united in national feeling, and seem determined to give some practical expression to it. They complain bitterly of the oppressions exercised against their brethren in Turkish Armenia.

A glorious sunrise found us at the entrance of the Bosporus. No description can do justice to this unequalled situation. Sitting astride on two continents and two seas, Constantinople is equally good for defence and attack, for whoever is master of Constantinople, can organise his

resources at leisure under the impenetrable shield of her two canals—the Bosporus and Dardanelles—and can issue forth on either side, and retire again at pleasure. The same admirable system of water communication connects her commercially with all the world; and if anything was wanting before, it has been supplied by the opening of the Isthmus of Suez. Hence, notwithstanding the normal desolation outside the hills overlooking both banks of the Bosporus, the markets of Constantinople are remarkable for their cheapness and abundance.[1] And what shall I say of the beauty of the situation? It would be as easy to give a precise idea of the charms of a lovely woman. The Bosporus has all the attractions of a masterpiece—the beauty of proportion, the beauty of material, and the beauty of exquisite finish. The hills are not too high for the ocean-river; and the cypresses, the minarets, and the masts of the ships cut the hills with suitable lines. The painted Turkish houses and the white two-storeyed palaces, are in harmony both with land and water, but the lofty new summer residence of the British Ambassador at Therapia is out of keeping.

If a person saw Constantinople only from the sea, he might exclaim "Gar bihisht bar rúí zamín ast, hamín ast, hamín ast, hamín ast."—"If there be an Elysium on earth, it is this, it is this, it is this." But if he landed, he would soon be disenchanted by narrow, crowded, unsavoury lanes, dogs'-teeth pavements, and mangy dogs.* There are no street fiacres, and if you hire a carriage from your hotel, at great expense, you have to endure a purgatory of bruised and shaken limbs. A spasmodic effort was lately made to open a carriage-road for

* The nuisance is ordinarily confined to the sight of these disgusting animals, and to the necessity of being continually on the watch to avoid treading upon them as they lie basking in the streets; but once we were suddenly assailed by a pack of them, in a quarter of the town where they are said to have an antipathy to a European hat, and one of our party with difficulty escaped with torn clothes and a grazed skin.

the Emperor of Austria, from the landing-place to the Austrian embassy. Even the long line of suburb, extending beyond Therapia, was not connected with Constantinople by a tolerable road until the track was smoothed for the Empress of the French; but, as it was not metalled, it will be as bad as ever in rainy weather. There are well-known stories of roads pretended to be made under diplomatic pressure, and of a road to Broussa commenced in good earnest by an enlightened Pasha, which was abandoned before it was half finished because he was recalled. The making and maintaining of roads is incompatible with the habits of Turkish administration; and, when it is pressed upon them, it only leads to fresh exactions of forced labour from the Raya or subject Christian population; but Constantinople might follow the example of the provincial town of Galatz, and import ready-dressed granite paving stones, as ballast in the ships which go for corn to the Black Sea. The Turkish Government is also incapable of post-office administration, and travellers have to get their letters as they can, through the separate arrangements made by the different embassies.

But there are things to be seen at Constantinople which are worth any degree of inconvenience.* Although it has been encroached upon by the mosque of Ahmed, the Hippodrome preserves its original form; and the Egyptian obelisk, with the famous sculptures and inscriptions on its pedestal, which formed the meta or turning-point for the chariots, and the bronze pythons which supported the golden vase dedicated at Delphi out of the spoils of the Persians, remain in

* I gratefully acknowledge my obligation to the Rev. C. G. Curtis, the learned and excellent missionary of the Society for the Propagation of the Gospel at Constantinople, and Minister of the Crimean Memorial Church, who kindly accompanied me in repeated visits to the churches and other ancient monuments. If Mr. Curtis could be persuaded to publish the results of his researches, the antiquities of Constantinople would attract some of the attention lavished on objects of far less interest.

their original positions. The first view of the interior of St. Sophia exercised a fascination over our party, which an essay might be written to explain. What was new to me, was the remarkable degree to which the building retains the character of a Christian church. The four archangels hover over the roof, without their heads; the names of the four Imams being written in Arabic characters upon their defaced countenances. With this exception the mosaics have been painted over; but, strange to say, the outlines of our Saviour's form over the altar seem ineffaceable. It was fully brought to light during some repairs executed in the late Sultan's time, and, when reference was made to him, he desired that it might be reverently covered up again, "for God alone knew what the final destination of the building might be." In what used to be the women's galleries, the Empress's place is separated by a marble screen marked with the imperial eagle; and, on the other side, the patrician lady Theodora secured her seat by having her name and title cut on the balustrade in front of it — τόπος Θεοδώρας τῆς εὐδοξοτάτης πατρικίας. The Empress Theodora, the wife of Justinian the founder of St. Sophia, perpetuated her name by having it carved in the centre of the capitals of all the columns, the relative position of the letters being different in every case; and the name of Michael in large letters, and the monogram of this Emperor and his Theodora, ornament the beautiful bronze gates. The name of this church (Áya or Agia Sophia—The sacred wisdom of God) has been preserved by the Turks. Agia Irene (The sacred peace or love of God), retaining uninjured the cross and the dedicatory inscription over the apse, has been converted into an armoury; but the church of the Dunamis (The power of God), was destroyed by the Turks. Kúchak Áya Sophia (Little St. Sophia), built by Justinian in connection with the palace occupied by him as heir-apparent, formed the model of St. Sophia, as St. Sophia has of St.

Peter's and St. Paul's, and many other famous churches. The mosaics in the Church of the Redeemer (the Mahommedan name is Kehrieh Jamissi) have not received the attention they deserve. They were executed, probably by Italian artists, not long before the fall of Constantinople, in a style which reminds one of the pictures of Raphael. The life and feeling of our Saviour in the act of performing his miracles, and the expression of the Virgin Mary on the appearance of an angel when she was drawing water from a well, are especially deserving of notice.

After the conquest, Mahomet II. divided the churches between his Christian and Mahommedan subjects, but they have since, with one exception, been converted into mosques. There is, however, an incongruity which cannot be got over. Christian churches are built east and west, whereas Mahommedans always pray with their faces turned towards Mecca, which is nearly south from Constantinople. From this it followed that in the churches converted into mosques, a new altar (mihráb) facing towards Mecca had to be erected at the southern end of the eastern apse, and the lines of steps on the floor had to be altered to suit this abnormal arrangement. The awkward disagreeable effect must be seen to be understood. It completely dislocates the interior of these beautiful buildings. Another set of mosques was erected by the Sultans after the model of St. Sophia, which were, of course, expressly adapted to Mahommedan worship. The grandest of these is the mosque of Suleiman the Magnificent, the dome of which is twenty-one feet higher than that of St. Sophia, but then it is the same number of feet less in diameter. Several of the churches appropriated as mosques are now seldom used, owing to the decrease of the Mahommedan population. When they were opened for our inspection, it was touching to see how anxious any Greeks who happened to be near were to avail themselves of the opportunity of seeing them.

Next to the churches and mosques, the triple wall and double row of towers deserve admiration, from their great historical interest, their picturesque beauty, and the example they afford (the most perfect in existence) of ancient military architecture. This monument belongs to the whole civilised world, and ought to be taken by the diplomatic body under its protection for the benefit of all future generations. The Turks are so incapable of appreciating it, that the present Sultan made a present of it to his mother for the sake of the trifling gain to be obtained from the sale of the stones, and the demolition had made some progress when it was stopped by the influence of our ambassador. Sepulchral inscriptions of the Gothic Guard, which included our own ancestors the Warangians or Warings, were defaced and used as ordinary building materials by the Turk who took the contract under the Wálida Khánam. There was no excuse on the ground of additional space being required for the extension of the town, for while the population is spreading on both sides of the Bosporus, it is dwindling in the old city or Istambol. There are large vacant spaces left by the fires of 1865 and 1866, and the projected new streets within the walls make little progress. But this is only one example of the dilapidation of the ancient monuments which is continually going on. The attendants at the churches which have been converted into mosques, habitually offer for sale to travellers cubes picked from the mosaics; and residents in Constantinople have in their possession entire mosaics, the result of a more wholesale depredation from St. Sophia and the other churches. The figures of the two rabbis which formed the lower portion of the beautiful mosaic of the Instruction of the Virgin, in the Church of the Redeemer, had been removed, by a clean round cut, in the interval between my first visit to the church and the last which had been paid to it by my companion. As the Turkish Government professes to be a civilised European

government, a qualified conservator ought to be appointed of the many precious remains of antiquity at Constantinople.

Nothing surprises a stranger more than the freedom with which the Turkish women appear in the streets and public promenades. The ladies of the Sultan's harem are the only exception. The wives and daughters of the highest Pashas may be seen sitting in their carriages making their purchases at the doors of the European shops, or driving slowly round and round at the Sweet Waters, or sitting on the turf there watching the passers-by. These groups are the ornament of every public occasion, for, owing to the practice of wearing entire colours, they look like beautiful beds of tulips or roses. As it is now worn at Constantinople, the yashmak is only a pretence of a disguise. The black eunuchs who attend upon the women of the wealthy and powerful are a more effectual check, although they have not been permitted to carry arms since one of them, irritated by being jostled in the crowded streets of Pera, severely slashed an unoffending Englishman. The Sultan and the Viceroy of Egypt have repeatedly declared that they have abolished slavery, and yet this most horrible of all forms of slavery flourishes as much as ever. It is evident, from the age of these blighted beings, that the great majority of them have been imported of late years, and that, somehow or other, the supply is regularly kept up. If this abominable scandal is ever to be abated, it must be done at Constantinople and the other chief seats of Turkish administration, and not in the interior of Africa, where the extension of Mahommedan rule would only aggravate the evil. It is idle to talk of repression, while the Sultan himself, and the leading members of his government, encourage the practice by purchasing the unhappy children. Another significant symptom is, that not even a beginning has been made of female education among the Turks, for the few individual cases in which Turkish women have been educated stand out in such

marked contrast to the rest, and are of such questionable advantage to the women themselves, that they merely serve to illustrate the prevailing practice. There are only two alternatives—women must either be treated as honoured, responsible wives on the Christian principle, or be physically and intellectually restrained on the Mahommedan principle of a plurality of wives and an unlimited number of concubines. When the marriage-law of civilised Europe is adopted by the Turks, then, and not before, the yashmak and the eunuch will disappear, and exertions will be made to prepare women by intellectual and moral culture for their position as wives, and mothers, and heads of families. Meanwhile, no one can envy the few who are prematurely educated to a sense of the degradation which is in store for them.

We entered the kingdom of Greece by the narrow channel which separates Tinos from Andros, and soon after we cast anchor in the port of Syra. Every available piece of ground was cultivated in these islands, even to the tops of the hills; and where cultivation was impossible, owing to the rocky nature of the soil, the limits of the different properties were carefully marked by boundary walls. Syra is one of the most flourishing places in Europe. The town, as we now see it, is the creation of the last thirty years, and rises from both sides of the bay, like an ancient theatre, until it terminates in Old Syra on the heights. The brilliant whiteness of the place gave the impression of extreme cleanliness, but we found on landing that what we had taken for whitewash was white marble. It was a beautiful Sunday evening, and the people of all classes were gathered on the square in the centre of the town. After Constantinople it was an agreeable change to see a purely civil population earning an abundant subsistence by their own industry, without any help from the public revenue, and we also appreciated the luxury of a well-paved street.

It is a cruel calumny to say that the Greeks have done nothing for the improvement of their country since their emancipation. We forget its devastated state only forty years ago. Nearly every town had been destroyed; agricultural stock and property of every kind had been reduced to the lowest ebb; and, owing to Ibrahim Pasha's ruthless policy, the vines had been rooted up, the olive and fig trees cut down, and the youth of both sexes had been carried away into slavery throughout extensive districts, in order to make room for a Mahommedan population, to be introduced from Egypt and elsewhere, according to the immemorial policy of conquerors of that religion. As for roads and other public works, they had no existence in this province of Turkey, any more than they now have in what remains of that country. The work to be done had, therefore, more in common with the first settlement of Queensland or New Zealand than with the improvement of an old country; but, in this case, the abundant resources which the British colonies derive from the mother country were wanting. The most urgent need was to reconstruct the towns, and to put the harbours into a proper state for trade. An impartial survey of what has been done at Syra, Athens, Piræus, Patras, and other places, would excite surprise that so much has been accomplished in so short a time. The reopening of the ancient navigation of the Euripus between the continent and Eubœa, and the construction of excellent quays at Syra, Piræus, and Patras, are a foretaste of the results of the projected opening of the Isthmus of Corinth. The extraordinary development of the currant-cultivation, and the long line of pleasant country houses and thriving towns and villages along the southern shore of the Gulf of Corinth, is another example both of what has been done and of what may yet be expected. The great increase of the Greek mercantile marine, the command it has obtained of the Levant and Black Sea trade, and the wealth acquired by the numerous

Greek merchants at Odessa, Galatz, Constantinople, Smyrna, Alexandria, Marseilles, London, Manchester, Liverpool, Calcutta, and elsewhere, must also be considered in taking account of the material progress which has been made.

The first thing which struck me at Athens was the *perfect authenticity* of the ancient monuments. Instead of having to get up doubtful questions, we were taken back straight, through the lapse of ages, to the thing itself. From that tribune, cut out of the living rock, Themistocles, Pericles, and Demosthenes delivered their orations; and there, in the hollowed semicircular space below, supported at the lower extremity by a cyclopean wall, stood the assembled Athenian democracy. On the low rocky hill opposite, St. Paul first publicly raised the great issue between the splendid system of Greek theology and philosophy, and the religion of the Jewish carpenter who had been recently condemned to an ignominious death by a Roman tribunal. Those undoubtedly were the steps by which the apostle ascended from the Agora, with the statues of gods and heroes on every side, and colossal Minerva Promakos looking down upon him with uplifted spear from the Acropolis. The appropriateness of the epithet applied by him to the Athenian people (*δεισιδαιμονεστέρους* — exceedingly given to the worship of divine beings), which was the basis of his argument, was thus strikingly apparent.

All this I had heard before, but I was quite unprepared for a full exhibition of the Theatre of Bacchus, in which the masterpieces of Euripides and Sophocles were acted. On the front of the Hyposcenium were some remarkable sculptures, in deep relief, of Bacchus and Silenus in the attitude of supporting the stage, with sacrificing priests and graceful female dancers between. Opposite were arranged, in semicircular form, row after row of marble seats climbing the hill of the Acropolis up to the grotto described by Pausanias.

Upon these once sat an audience of a refined critical taste, such as has never been before or after. The lowest row is entirely occupied by marble arm-chairs, in a very perfect state, each of which has carved upon it, in large letters, the name of the functionary to whom it was appropriated, and in some cases a former name had been erased and a new one cut over it. These were all assigned to the high priests of the different gods—another example of the δεισιδαιμονεστέρους—while the commander-in-chief and the judges were placed in the second row. The discovery is so recent, that it is not mentioned in any English guide book. We were on our way to the Acropolis, but, seeing the ascending series of marble seats, we turned aside to examine them, and we soon felt as if the venerable personages to whom the chairs belonged might walk in and take their seats. The excavation is due to a party of Berlin professors, who came with the measurements ready calculated, and found everything as they expected. An excavation conducted on the same principle by Mr. Ziller, the architect of Baron Sina's new academy, is now in progress at the Panathenaic Stadium on the Ilissus. Previous searches had been too superficial, but this gentleman satisfied himself that, according to the usual angle of fallen earth, the basis of the former ranges of marble seats would be found at a certain depth; and there it was.*

When Neptune and Minerva contended for the sovereignty of Athens, Neptune struck the rock with his trident, and a salt spring issued forth, while Minerva created the

* The king took from the first a warm interest in this undertaking, and now he has purchased the whole of the land, and is going to complete the excavation at his own expense. This may lead to the reconstruction of the bridge of Herodes Atticus over the Ilissus, which formed the approach to the Panathenaic Stadium, and to the restoration of the Stadium itself. The Greek games had nothing in common with the bloody public spectacles of the Romans. They have been adopted into the system of Christian Europe; and at this day we are so addicted to athletic exercises and horse-races, that the complaint is that they are carried to excess.

olive-tree. In the Erechtheum, we can only see the place where the miraculously created olive-tree once was, but, when the rubbish was cleared from the pavement, the actual fissures in the rock, which were reverently visited by Herodotus and Pausanias, and tens of thousands of others, through long generations, as the marks of Neptune's trident, once more came to light. To turn from mythical to authentic history, the walls of the Acropolis were reconstructed by Themistocles in all haste with the remains of the temples which the Persians had thrown down. Built into the northern wall of the Acropolis are numerous drums of columns of the old Parthenon, with the triglyphs and friezes above, and, from their situation, they have been better preserved than any part of the new Parthenon. They are of common limestone from the Piræus, which enables us, even at this distant period, to appreciate the new splendour of Pericles' marble buildings.

The Athenian archæologists have done justice to the noble remains of antiquity which they hold in trust for all mankind. They have proceeded on the sound principle of disintegrating the genuine ancient materials from the additions subsequently made to them,* and have only sparingly attempted restorations. The beautiful little Temple of Victory has been picked

* If this principle were consistently applied to the Roman Forum and the Palatine Hill, the result would be interesting and instructive in the highest degree. With the present resources of mechanical science, there is no difficulty on the score of obstructing traffic, which, in this part of the environs of the modern city, is almost entirely confined to visitors going about with their guides and guide-books; but the public resources are lavished on more favoured objects, and the public-spirited efforts of the Emperor of the French to uncover what remains of the Palace of the Cæsars, have been arrested by the purchase of the adjoining portion of the site by the Papal government for ecclesiastical purposes. The small area between the Capitol and the Colosseum has exercised such an enormous influence over the fortunes of the world, and is so full of the traces of great events wherever the superincumbent debris are removed, that it ought to be entirely consecrated to historical recollections.

out of a massive Turkish battery which had been built over it, and has been put together again stone by stone. The Venetian tower and some modern bulwarks of the Propylæa remain for the present, subject to further discussion. There is no saying what treasures of ancient art they contain. Underneath where the pavement once was, at the eastern end of the Acropolis, were found unfinished drums of marble columns, which had been rejected on account of some flaw in them, and had afterwards been used to raise the level of the ground; so that we have an illustration of the building of the new, as well as of the demolition of the old, Parthenon. It is impossible not to entertain a hope that the sculptures which were removed from the Parthenon and Erechtheum will, at no distant period, be restored as a final proof of confidence and goodwill. This would be an act worthy of England, and the sculptures would exercise a greater influence, even upon the taste of the English people, in their glorious original position, than they now do in a dark room in the British Museum. There is less justification for the retention of the treasure than there was for its original abstraction, for we are now no longer able to plead the importance of protecting it from untrustworthy guardians.

Another recent discovery, not yet recorded in guide-books, is a section of the Sacred Way leading to Eleusis, with the original wayside sepulchres *in situ*, one of which is of peculiar interest. It was hit by the railway works under a heap of debris, and the line was, very properly, altered to allow of its being preserved. The antiquities of Athens are all within a walk; there are no beggars to pester and disgust, and, with Mr. Murray's help, it is quite possible to dispense with the services of a commissionaire. One prevailing impression cannot fail to be made by a visit to Athens—the superiority of mind over matter; the intrinsic dignity of man; the possibility even of a single individual making his influence felt

through all future generations. Athens civilised Rome, and Rome civilised the world; yet a handkerchief might be thrown over Athens. Great as the claims of London always must be, how much of its immense area will ever be investigated with the interest with which we regard the strip of land between the Cephisus and the Ilissus?

Modern Athens belongs to the present age. It is a well-laid-out, gentlemanly, agreeable place. The roads are good; there is every necessary facility for getting about, and there are three comfortable hotels in the square in front of the palace. It has often been said that the new town should have been built at the Piræus in order that the ancient site might be entirely given up to classic recollections, but there was good reason for the choice that has been made. It is well to be out of the reach of the guns of foreign navies; and now that Athens is united to Piræus by railway, it is merely the natural distinction between the mercantile and political quarter which makes itself felt in London and other capitals. It is no small advantage that the new city is "Athens," and nothing else; and while ancient prestige is preserved, the historical quarter to the south and west of the Acropolis, containing the two theatres, the Agora, the Pnyx, the Areopagus, and the Theseum, is free from modern buildings. Such ancient monuments as still exist to the north of the Acropolis—such as the Clock Tower, commonly called the Temple of the Winds, and the reputed Gate of the New Agora—are carefully preserved. There is another Clock Tower, of modern date and execrable taste, which is the only compensation Athens has received for the inestimable sculptures removed from the Parthenon and Erechtheum.

The course of the Cephisus is indicated by a long belt of olive groves, among which the district of the Ἀκαδήμια is still distinguished by its ancient name. Except after heavy rain the Ilissus is barely able to furnish water for the washer-

women at "the beautifully flowing fountain," Καλλιρρόη. I would fain put in a plea for the Ilissus. Even larger streams could not long stand the rapid evaporation caused by the action of the sun of Attica upon its bare rocks. Planting is obviously required along the channel, and it should comprehend the adjoining open ground, reserved for a public park, between the Ilissus and the Arch of Hadrian, including the glorious columns of Jupiter Olympius; and the trees should be of a kind worthy of this famous district. In Calcutta the flowering-trees of the lands of the sun in the east, west, and south have been brought together, and the Botanical Garden there might furnish a contribution which would do justice even to the Ilissus, besides naturalising many ornamental trees in the congenial climate of Greece. The rocky peninsula of Piræus, with its citadel, its three harbours, and its walls, which were the roots of the Long Walls, deserve an attentive study. Phalerum and Munychia are model harbours on the ancient principle, and the fortifications by which they were closed, and the incised rocks and large stones where the galleys were laid up (νεώσοικοι, shiphouses—slips) may still be distinctly traced. Several ships of war were lying in the harbour of Piræus. How many on board knew that this was once the basis of a naval empire which was more generally acknowledged than that of Great Britain has ever been?

A long day spent among the educational institutions of Athens made a deep impression upon me. In England we are discussing compulsory education. In Greece a comprehensive system of public instruction has been established in the last thirty years by the voluntary co-operation of all classes of people. Young men come to Athens from every part of Greece, and serve for their keep as domestic servants or clerks, on condition that they are permitted to attend the classes at the Gymnasium or University. The number of persons of mature age, including several young priests, who

were standing among the boys, was an unmistakeable indication of the prevailing spirit. The most hopeful sign of all is the Arsakion, at which nearly one thousand girls of every class receive an excellent education.* It is divided into several departments, beginning with an infant school. According to the genius of the nation, no distinction is allowed in education. The children of rich and poor attend the primary schools, but the children of the rich are able to complete their education at the University or in the highest class of the Arsakion. Young men who have to enter early upon active life seldom go beyond the highest class of the Gymnasium of their district. This, however, is no vulgar levelling feeling, for, although it suffices to secure equality before the law and in the enjoyment of educational and every other national advantage, including a perfectly open career in the public service, there is no country where families which have established a claim upon the national gratitude are more respected than they are in Greece.

The large private donations and bequests for the establishment of educational and other public institutions is so remarkable a feature of modern Greece that a full statement of them would leave no doubt as to the national unity of this

* It would be wrong to speak of the present flourishing state of education at Athens without observing how much of it is due to the exertions of Mr. and Mrs. Hill. The large male and female schools maintained by them for many years as American missionaries at Athens were the basis, and, to a great extent, the model, for the existing institutions. A well-deserved statue is to be erected to Lord Guilford. How much honour it would do to the Greek nation, and what great satisfaction it would give to their friends in every part of the world, if some appropriate mark of national gratitude were conferred on Mrs. Hill while she is still living among them! The Arsakion was endowed by M. Arsakes, an Epirot. This is an instance of the flexibility of the Greek language, which induces the English and French and other nations to have recourse to it when new names have to be coined. There is a pretty public garden at the Piræus called the Tinanion, from Admiral Barbier de Tinan, who employed the leisure of the sailors of the French fleet in making it.

race in whatever part of the world they may happen to be sojourning. Even the passing stranger cannot fail to see signs of a prevailing spirit of munificence. A beautiful new Academy of Arts, Sciences, and Belles Lettres, and a Polytechnic School, including a new National Museum, are rising by the side of the University, both of them gifts of patriotic Greeks; and new Olympic games are to be held, comprising an industrial exhibition and other arrangements suited to the present age, the result of another benefaction. The junior professor at Baron Sina's Observatory was our fellow-passenger from Athens to Corfu, on his way to Vienna to procure improved instruments at the Baron's expense. There are two noteworthy points connected with these gifts. They were all made by Greeks who had acquired wealth in other countries, and the majority of these Greeks were of Albanian or Wallach origin. The explanation of the first is that the portion of Greece which constitutes the modern kingdom is too small and poor for much money to be made in it. The second is an interesting illustration of the fact that the Greeks have not lost the imperial quality of assimilating or "Hellenising" other races. In former days they almost assimilated the masters of the world, for Rome was so imbued with Greek literature that Virgil, Horace, and Terence, were merely faint copies of Greek masterpieces, and Roman art never rose above a poor imitation of Greek models; and when the Roman Empire was divided, the eastern half soon became entirely Greek. At the present time the Albanian and Wallach populations within the limits of the kingdom are gradually becoming absorbed into the Greek element, and the Epirots outside those limits cling even more than their ancestors did to Greek nationality. They prefer Greek autonomy to Turkish despotism, and, notwithstanding mistakes and discouragements, they have faith in the future of a people who show vigorous signs of life after

having been suppressed for five hundred years by western feudal tyranny and eastern barbarism.

There is yet another influence which I will not attempt to trace to its causes and consequences—the charm of the Greek language. Those who doubt whether the modern dialect retains the sweetness, the force, and the synthetical perfection of the ancient Greek, would do well to read Mr. Stillman's excellent letter to the Neológos, and the articles upon it. Although the language has naturally and beneficially contracted an affinity to modern European idiom, it is as capable as it ever was of expressing the highest and deepest thoughts and feelings of which human nature is susceptible; and, under the influence of wide-spread popular education, it is returning every year nearer to the classical type, just as our English provincial dialects are approximating, from the same cause, to standard English, and as the Italians hope to make Tuscan the common medium throughout their polyglot domain. When the pupils in the male and female schools have been sufficiently matured in the language as it is actually spoken, the charming popular style of Xenophon is impressed upon them; and the patronesses of our ladies' colleges will be glad to hear that Thukydeedes (Θουκυδίδης), as they call him, is read by the most advanced pupils of the Arsakion. The pronunciation is entirely according to those accents which in England we are flogged for not knowing, and are flogged again if we give practical application to them. It was delightful to hear Greek treated as a living language, and to gather new illustrations of its genius every day from newspapers, debates, songs, and even from advertisements and street cries. Owing to the lamentable waste of time caused by our antiquated mode of teaching Greek in England, the study itself is in danger; but our boys would go further in a month than they now do in a year, if, instead of plodding over grammar, and grinding iambics, they learned Greek as they do

French and Hindustani, in which they might have the assistance of carefully-selected masters from the University of Athens, who would teach it in the spirit of a modern language.

The University of Athens is fulfilling the same mission of civilisation on this side of the ancient East as the Universities of Calcutta, Madras, and Bombay are on the other. They all have their strong and weak points, but their general character and object is the same. I was puzzled by the inscription on a money-box into which I saw some of the young men putting their drachmas. It was said to be "For the National Fleet." So far it was perfectly intelligible, but then came, in large letters underneath, Ὼβαρτ Πάχα. At last I recognised, in this strange new form, the familiar name of Hobart Pasha, used in the sense in which the French were long exhorted to "remember Waterloo." I was glad to see many signs of gratitude to their benefactors. There is Byron Street, Ὁδὸς Βύρωνος, and Philhellene Street, Ὁδὸς Φιλελλήνων; and it is intended to erect statues in connection with the new Academy to the most distinguished of the foreigners who assisted them in their war of emancipation, including the single-minded and gallant Captain Hastings. Theological seminaries have been established both at Constantinople and Athens for the education of the priests, and more frequent preaching is encouraged. We have all seen the admirable answers lately given by the Patriarch to the Pope and the Archbishop of Canterbury, and I was told, by one well-qualified to judge, that the sermon preached at the installation of the Patriarch would not have been unworthy of Chrysostom. Evangelical texts are prominently inscribed in the churches and cemeteries, and the only altar is to the Most High God. As for the altar-pieces, I do not see much difference between them and our own, except that the Greek altar-screen (Εἰκονόστασις) makes a stronger impression upon the popular imagination than our reredos. The Bible and Liturgy are in the vulgar tongue, and the sacrament of the Lord's Supper is administered to the laity in both kinds.

The Greeks justly consider this system of education as the corner-stone of the work of national reconstruction. Less than fifty years ago the scattered elements of the nation in the Morea and Continental Greece, were to be found only in ignorant husbandmen, rough sailors, and savage Klephts, mixed with communities of foreign origin of a still ruder type. The upper and middle class—all who were possessed of property, leisure, and power—were Turks. But the intellectual activity, and love of knowledge and mental cultivation, which have always distinguished this race, reappeared with the first dawn of liberty, and the foundation of a system of public instruction was laid in the midst of the alarms and agitations of the internecine struggle. The resurrection of this ancient people, after they had been broken to pieces, and pounded down by several hundred years of cruel and degrading slavery, is a surprising fact deserving of careful study.

Our friends had told us that the thing best worth seeing in the neighbourhood of Athens was the view from the top of Pentelicus, so to the top of Pentelicus we went in spite of brigands and threatening skies. We were met on the outskirts of Athens by four troopers, who were reinforced at the foot of the mountain by double that number of infantry soldiers. In ascending through the ravine of the marble quarries, the commanding points were occupied beforehand by the men of our escort, so as to secure our front and flanks. Our talk was of brigands, for Captain Spanos, the Klepht-king or Gentleman-cateran of the Athenian mountains, might at that moment have been watching us through his telescope from the neighbouring heights of Parnes. An ex-minister of finance had recently been carried off, as he was sitting in the verandah of his country-house with his wife. The brigands knew all his available means, and discussed with him what sum might reasonably be left to pay the expense of his next election and to enable him to support his public position. Mr. Valsa-

machi's affair was more serious. He and Prince John Soutzos had bought waste land in the Morea, to the reclamation and improvement of which they intended to apply all the resources of high farming. The object of the brigands was to seize Prince Soutzos, who was the capitalist of the undertaking, but, after long lying in wait, they only caught Valsamachi. A gendarme who was with him ran into the bush to have a shot at the brigands, but he was overpowered, and released at Valsamachi's intercession, who urged that he was only doing his duty, and that neither his detention nor destruction could do them any good. Poor Valsamachi was taken from place to place, subject to the usual condition of being shot if a rescue was attempted. When they were hiding in the woods or vineyards, they often saw parties of regular troops in pursuit. For these the brigands expressed the utmost contempt, but they held the gendarmes or χωροφύλακες in great respect. Valsamachi's severest suffering was from vermin, which have the good taste to appreciate the luxury of a clean shirt, so that he soon had the vermin of the whole party preying upon him. For this reason Greeks usually steep their kilts in oil when they take the field. The first offer made for Mr. Valsamachi's ransom was 10,000 drachmas, or about £350. The brigand chief expressed great indignation at this, and said that he would divide that amount among his followers out of his own means and shoot Valsamachi. His professional point of honour had been touched, and he felt as an eminent lawyer or surgeon may be supposed to do when a totally inadequate fee is offered him. He took Mr. Valsamachi to a secluded glen and prepared to carry his threat into execution. His victim said that, as they were both Christians, he hoped he should be allowed time to prepare for death. At this point two of the band interfered, and urged that, before proceeding to the last extremity, another letter should be written to the family. This was done; and, when it was found that the

matter involved such awful consequences, an effort was made and the requisite sum was raised. We agreed that it was too late in the season for a sojourn in the mountains, and fondly inferred, from the jaunty way in which our young commander-in-chief wore his capote, that he would not fail us in the hour of need. But let us pause in our ascent to consider what this brigandage is.

To say nothing of the insecurity of the roads in William III.'s time, as described by Macaulay, travellers could not enter or leave London by the northern or western roads without danger in our fathers' time, and even in our time the London coaches were protected by guards armed with loaded blunderbusses. The highwaymen were popular characters, and Claude Duval and Dick Turpin command to this day a romantic interest which is by no means confined to the lower orders. Our Highland caterans and Border mosstroopers are still more decidedly in fashion, and Rob Roy and Johnny Armstrong have won many a young lady's heart. Yet these were vulgar ruffians compared with the Greek Klephts. As the religion and literature of Greece survived in her church, her military spirit was kept alive by her Klephts, who, up to the emancipation, were regarded precisely as Robin Hood and Hereward were by our Saxon ancestors. In Arnold Passow's *Popularia Carmina Græciæ Recentioris* the first 141 pages are devoted to "Carmina Clephtica." When the war of emancipation commenced, the Klepht captains became the generals of the insurrectionary force,* and these are now among the most honoured names in Greece. This is still looked upon by the war party as an element of national strength, and they would hold it in reserve against a day of national effort. No

* The Haidouks, who were the corresponding class in Servia, performed the same service for their country by preserving a germ of national resistance, even in the darkest times, and furnishing a nucleus round which the national force could rally; but, unlike the Klephts, the Haidouks have disappeared before the establishment of a better order of things.

doubt this is a great mistake, for whatever uses the Klephts may have served in former times, they are decidedly out of place in the present generation. But is this system to be compared, either for cold-blooded atrocity or for antagonism with social and material improvement, with the Irish agrarian system? And, considering that independent Greece is only forty years old, while we have had possession of Ireland for six hundred years, do the two systems reflect equal discredit on the two governments?

The Greek government, and much the largest and best portion of the people, are thoroughly convinced that brigandage must be put down at whatever cost. No person, either native or foreigner, can think of investing capital in improvement while he is liable to be carried off to the mountains, to be held at ransom at the peril of his life. The damage it does to the credit and character of Greece, in the eyes of the whole civilised world, is of the most incisive kind. Ordinary offences are seldom heard of out of the country where they occur, but there is something in brigandage which seizes in a peculiar manner on the imagination. Two years ago there was scarcely a man, woman, or child of the educated classes in England who did not know that three young Englishmen had been entrapped, and even the recent acts of brigandage upon Greek subjects have been noticed in almost every European newspaper.

But how is brigandage to be put down? Mr. Finlay thinks it may be done by restoring the former system of local government. But, however desirable this may be on general grounds, it does not meet the case. The country people suffer from the exactions and insults of the brigands, but they are deterred from taking an active part against them by the cruel retribution which would be certain to follow. Strong central action of the Government must therefore be combined with some arrangement for enabling the people to defend themselves. With a population of only 1,300,000, and with more

than half her arable land lying waste for want of hands, Greece maintains a standing army of 13,000 men. Heavily as this force weighs upon the limited resources of the little kingdom, it is quite insufficient either for attack or defence on the scale on which international operations are now carried on, while, for such a service as the suppression of brigandage, it is the worst constituted force imaginable. If the standing army were reduced to a third of its present strength, retaining a full proportion of artillery and engineers for the instruction of those indispensable arms, the administration would have ample means for the improvement of the Korophylakes, the only corps which is organised on the footing required. Like the Irish constabulary and the Indian police, the Korophylakes are picked volunteers in the prime of life, equipped and trained expressly for the purpose of following up criminals through the mountains and forests, and combining local knowledge with the particular kind of military efficiency suited for this special service.

The great relief from the burden of the conscription, consequent upon such a reduction of the standing army, would put the agricultural community in heart for the remainder of the plan. The Greeks are so imbued with national and military feeling that the entire able-bodied population, from eighteen to forty years of age, might easily be converted into a military force of an extremely formidable kind, on the Swiss and Servian principle of a few days' training in each year for the men, more complete instruction for the officers, and an ample supply of arms of the most advanced description kept in local depots, or, when it can be safely permitted, in the houses of the soldiers. This would be a form of local self-government which would be really effective against brigandage. Brigands have no love of fighting for its own sake, and they would not care to expose themselves to the breechloaders of substantial householders. It would also be well to postpone the purchase of ironclads until they are

likely to be wanted, when they may be had of the latest and most improved pattern. The real power of Greece resides in her mercantile marine, and in the financial resources which would enable her rapidly to convert it to warlike purposes, neither of which objects is promoted by locking up men and money in ironclads in time of peace.

The Greek question remains as it was left by Prince Leopold, when he refused the crown because Crete and Thessaly, which had taken an effective part in the struggle, were not included in the settlement. If England south of Trent and north of Thames had been reconquered from the Turks, would it be possible to tear from the hearts of the English the hope of completing the emancipation of their country? There are two policies and two parties among the Greeks. The war party used to depend upon Russia, but the experience of a century has shown that Russia has objects of her own to which the interests of Greece are always postponed. The Morea was abandoned to the tender mercies of the Turks in 1770, after it had risen, in compliance with Catherine's urgent proclamations, backed by Orloff's expedition. After the war of emancipation, Russia objected to the plan of erecting Greece into an independent constitutional kingdom, and proposed that she should be converted into a Hospodariat, like Wallachia and Moldavia, which must always have leaned upon Muscovite support.* In 1854, Russia again excited the Greeks to take up arms against the Turks, and again failed to give them protection; and last year she refused to join with France in emancipating Crete unless the Slavonian provinces to the north were similarly dealt with. The Greeks are now quite aware that their country must become a Russian

* Since the establishment of the Greek kingdom the policy of Russia has been to keep it weak and unsettled. In his famous conversation with Sir Hamilton Seymour, the Emperor Nicholas offered Crete to us, and said, "I never will permit an attempt at the reconstruction of the Byzantine empire, or such an extension of Greece as would render her a powerful state."

province if the Czar succeeded in getting possession of Constantinople. The other party do not pretend to forecast the distant future, but they see that their national reconstruction cannot be completed with the public opinion of Europe against them, and they advocate a policy of peaceful improvement which would be equally suited to every event. Under any circumstances, they argue, it is desirable that Greece should become populous and rich, and that it should be made plain to all the world that Greek populations now under the rule of Turkey would be benefited by being reunited with their countrymen.

The king has established a claim upon the gratitude of his people by the boldness with which he seized the helm at the critical period of the Congress of Paris. His Majesty is decidedly in favour of a policy of internal improvement, but his position is a difficult one. He is constitutional king in the presence of a single democratic assembly; and the competition for power, and for the opportunities which power gives of providing for dependants, has been so keen, that the numerous ephemeral ministries, which have succeeded one another of late years, have had their time and strength entirely absorbed in the struggle for existence. But, besides his eminent and influential position, the king is permanent while others are transitory, and his firmly expressed will in a good cause is likely in the end to prevail. In the absence of a senate, the king is expected to take a decided initiative in matters of administration; and the royal authority will be regarded with confidence in proportion as the public interests are felt to be safe in his hands. The mantle of Leopold has, I think, fallen upon King George; and he has a charming young queen, who speaks English perfectly, and has provided English nurses for their two little boys. A ministerial crisis was in progress when I was at Athens, and it is a hopeful sign that it has ended in a general acquiescence in the continuance of the

respectable ministry of M. Zaïmes. The policy of peaceful improvement may therefore be said to have been initiated, and it will be well to consider what prospects it opens to us.

From one-third to one-half of the soil of Greece belongs to the Government. This is an element of grave importance. A large portion of the Crown domain is held by tenants, who, in addition to the tithe and other taxes, pay fifteen per cent of the produce to the Government. The best mode of terminating this provisional state of things has been often discussed. No additional payment likely to be obtained from these tenants is to be compared with the advantage that would arise to the State if this large mass of property were held on a secure tenure, so as to give every possible inducement to the application of capital, labour, and skill to its improvement. This might be illustrated by numerous instances, but I do not know any more striking example than the conversion of the Inám lands of the Madras Presidency into freehold, whereby more than 300,000 persons, who had held their little estates on an insecure tenure, subject to all sorts of anxieties and extortions, were changed into substantial proprietors and attached subjects. The opportunity should be taken of commuting both the tithe and the additional fifteen per cent into a fixed annual money payment, based upon the receipts actually realised by the Government during the preceding three years.

This would prepare the way for a more extensive change. In all Eastern countries the principal public revenue is derived from the land in the rude form of a share of the actual produce. Under the most favourable circumstances this is a great discouragement to improvement, because, whatever may be the additional capital invested or exertion made, the Government, which contributes nothing, shares in the result in equal proportion. Upon this ground only the church-tithe was abolished in England, but the case is far worse in countries where the standard of morality is lower than it is in England.

The Government share of the produce (hákimí hissa) has to be ascertained and converted into money before it can be realised in the Treasury, and the various operations required for this purpose yield a rich harvest of extortion to the swarm of harpies who fatten upon this mischievous and wasteful system in every Eastern country. Neither can the sheaves be removed from the field, nor the corn from the threshing-floor, until notice has been given and permission has been obtained, because, without this, there would be no security for the Government share. This places the cultivator completely at the mercy of the collector or farmer of the tithe, and the loss arising from the delay, and from the intermediate exactions, often exceeds the tax paid to the Government. Such a state of things as this, is, of course, quite incompatible with agricultural improvement. The peasants at a village in Bulgaria, seeing the benefit derived by their neighbours on the other side of the Danube from English threshing-machines, wished to get one for their joint use, but the farmer of the tithe objected to it, because it would interfere with the customary mode of securing the tithe.

The feeling in India in regard to this mode of realising the Government share of the produce is expressed by the proverb, "Bhatáí, Lútáí," "Division, plunder." The first thing done, on our taking possession of a new province, has always been to commute the claim of the Government for a fixed annual payment in money. So essential has this been considered, that we have never waited for a detailed survey, but a temporary settlement has been made equal to the average net receipts of the Government for the last few years, followed by another for a longer term, and ending in a permanent settlement wherever the cultivation is sufficiently complete. I inquired both in Turkey and Greece why a similar course was not adopted. In Turkey two reasons were given—1st, that the large number of persons who profit by the abuses of the

existing system would not permit it to be abolished; and 2d, that even if a money payment could be substituted for the share of the crop, the people know that this would not place a limit to the extortions of the officials. In Greece only the first of these reasons was given. In this we see the difference between a despotic and a representative government. Formerly great complaints were made of the uncertainty in the levy of the *ad valorem* duty upon currants, which led to its being commuted for a fixed duty upon a specific quantity. When I was at Patras I was told that this had worked well, and that, if any additional exaction was attempted, representations would be immediately made to the Government through the deputy for the district. Although the progress of reform under free institutions is often slow, they have this great merit, that, when a step in advance has once been made, there can be no retrogression.

After confirming the Crown tenants in the lands actually occupied by them, and reserving the forests in the hands of the Government, in order to prevent the desiccation of the springs, there would still remain great tracts of fertile ground to be disposed of in the Morea, as well as in Bœotia, Acarnania, and other parts of Northern Greece.* This should be converted into private property on any terms which would secure its settlement and cultivation. When confidence in personal safety is restored, and it is seen that the Government is bent upon a policy of internal improvement, Greeks who have acquired wealth in other countries will be glad of the opportunity of securing family estates, and of building family houses upon them, and persons of other nations, who now look to

* Only about one-sixth of the Hellenic kingdom is at present cultivated, although half the remaining portion is either susceptible of tillage or could be rendered so by skill and labour. When Greece obtained its independence in 1829, three-fourths of the whole country were at the disposal of the Government, having previously belonged to the Turkish Government or Turkish private proprietors, or to monasteries which had fallen to decay during the war; but this proportion has been diminished by subsequent alienations.

America or Australia, may be induced to transfer their capital and skill to a favoured soil and climate so much nearer home. The three Protecting Powers have a lien upon the Crown lands for the payment of their loan; but this security is illusory while these lands remain uncultivated, and they cannot be cultivated unless they are conceded to private individuals on liberal terms. Therefore, besides their general interest in the prosperity of Greece, England, France, and Russia, have a particular interest in the speedy settlement of the Crown lands. The great industry of Greece is its agriculture, and it possesses an agricultural population unsurpassed for sobriety and patient industry. I have, therefore, put in the foremost rank the measures required to raise its agriculture from its present depressed state.

But, even if all this were done, it would be of little avail without roads. At present it costs more to carry grain twenty-five miles, from Marathon to Athens, than to bring it from the Black Sea; and the consequence is, that the maritime towns of Greece are chiefly supplied from the Black Sea, although highly fertile tracts are lying uncultivated in their immediate neighbourhood. Athens must be the centre of the railway system of Greece. There would be a line to the north, through Phylæ and Thermopylæ, to Thessaly, with a branch through the western passes to Acarnania and Epirus; and another line by Eleusis and Megara to Corinth, crossing the projected Isthmian canal by a high-level bridge. From this point the rich plains of Laconia, Messenia, and Elis, would be opened on one side; while, on the other, the towns and villages of the currant districts of Achaia would be connected together by a coast-line extending along the southern shore of the Gulf of Corinth to Patras.

The civilising influence of railways is by no means confined to the results obtained after they have been completed. There is magic in payments promptly made in proportion to

work done. Populations in remote provinces of India, which were half-fed, half-clothed, and with scarcely a semblance of civil order, have been transformed by the construction of a railway through the midst of them. In Greece we should see Klepht leaders reappear in the character of railway sub-contractors; and the young men, who are said to be educated in excess of the present wants of the country, would have their attention turned from patriotic expeditions to industrial pursuits. As clerks and station-masters alone they would be employed in considerable numbers. Here, as elsewhere, railways would bring other public works in their train; civil-engineering and its auxiliary mechanical arts would be taught by example to an ingenious, quick-witted people, who are determined to make their way in the world; and a practical scientific character would be given to Greek public instruction, the chief defect of which is that it is too exclusively literary. Railroads would, however, be of little use, unless the towns and villages were connected with the stations by good metalled roads, technically known as "Railway Feeders," for the habit of using wheel-carriages has, in most instances, to be created in Greece.

The real question is, how this is to be accomplished. The solution will, I think, be found in the Railway Guarantee System, which, after having been invented for British India, has been applied on a large scale in Russia; and an entire railway outfit, on the same principle, has just been arranged with a Belgian financial company for the European provinces of Turkey. If the Greek Government could induce Mr. Crawford, the chairman of the East India Railway, or Mr. James Walker, the chairman of the Madras Railway, or some other equally experienced and responsible person, to form a company for the construction of the Greek railways, the early attainment of the object might be confidently looked for. The land should be given without cost to the company (the great command of waste land by the Government, and the

general low price of private landed property, would, in this point of view, be an advantage), and there must be an absolute guarantee of at least 5 per cent, even if the railway were not to pay its working expenses. It would be well to entrust to the same company the making of such "Feeders" as might be approved by the Government, with the understanding that they would be kept in repair by the demi or communes.

All this, of course, supposes that the public credit of Greece will be restored. I have not dwelt upon this, because it seemed to be rather a consequence than a cause. If the King and a decided majority of the Assembly seriously enter upon a policy of internal improvement, and endeavour to make their country worthy of any future that may be in store for it, a change will speedily take place in the general feeling towards Greece, and the Protecting Powers will not be less indulgent than they have been on former occasions, when there was less prospect of a satisfactory result. An increase in the public revenue may be confidently expected when the railway works and the works at the Isthmus of Corinth have commenced. It is always so, partly from the increased private expenditure arising from the large sums of money put into circulation, and still more from the stimulus given by extensive improvements to the entire social system.

If all the Greek provinces which joined in the war of emancipation had been included in the Greek kingdom, the debt would have been amply provided for; but, as the cost of the war and of all that was necessary for the construction of a government, was charged upon the smallest and poorest portion of the population, the demand for repayment had to be based, not upon what was due, but upon what it was possible to pay. A compromise has been made upon this principle in reference to the claim of the Protecting Powers; and as regards what is popularly known as "the Greek Loan," an arrangement was agreed upon some months ago between the Greek minister in

London and the Committee of the Bondholders, which would now be in operation if diplomatic objections had not been made on the ground of supposed interference with the security for the debt due to the Protecting Powers. The Greek Government cannot be expected to perform impossibilities. All that is necessary for the re-establishment of its credit is, that it should show a genuine disposition to do what is in its power towards the discharge of its obligations. The contraction of new liabilities should be strictly limited to what is required for reproductive works, in the front rank of which are roads and railways. As in the case of the improvement of a private estate, the creditors would be benefited by expenditure of this description, provided it was honestly and judiciously conducted. An arrangement is said to be in progress with Messrs. Oppenheim, Alberti, and Co. of Paris for the withdrawal of the paper currency issued during the Cretan affair, which is an indispensable preliminary to all improvement.

Whatever may be thought of the general administration of the Bavarian Regency, one of its members, Von Maurer, was an enlightened jurist, and the legal system established by him is regarded with general confidence. This is a fundamental point. But whether we look to the intellectual, enterprising character of the town populations, or to the steady, self-denying industry of the peasantry, it must be admitted that the people are better than their system of administration; and it is a great merit of these reforms, that they would diminish the scramble in the Assembly, and make the progress of the country depend, in a more direct manner, on the people themselves. The settlement of the tithe and domain questions would have this effect in a remarkable degree. The national domain is looked upon as a fair subject of plunder, as our Crown Estate and Duchy of Cornwall were in former times; and the object of every provincial deputy is to erect himself into a sort of local feudal chief, by gathering round

him in this and other ways as large a *clientèle* as possible. Endless, too, are the jobs and reclamations connected with the tithe. Everybody seems to have either something to get or something to be protected from in relation to it.

Greece is a state to which the plan of making all the first appointments to the public service by competition is singularly applicable. It would encourage education and good conduct; it would secure for the public service the *élite* of the youth of the country; and it would give permanency and respectability to their position, at the same time that it would diminish the motive to constant changes of government. At present every administration is like a besieged city, which hostile armies beleaguer in order to share in its plunder.

Last, not least, is the completion of the local municipal system, so justly insisted upon by Mr. Finlay as the best school of self-government, and as an arrangement specially applicable to these eastern countries, where people of different races, languages, and religions, live side by side in separate communities. The first and most important step has already been taken. Under King Otho three persons were elected by each Demus, one of whom was selected by the Government to be Demarch or Mayor. Under King George a single person is elected by the Demus to be its Demarch, without any interference on the part of the Government. The Government has, however, retained the power of dismissing the Demarch, which is a fertile source of intrigue and excitement. The Courts of Law, and not the Minister of the Interior, ought to determine, according to the practice in England, whether a Mayor has been guilty of a breach of duty.

It is time that we should examine nearer at hand the prospects of the power which occupies the central position in the old Eastern Empire. There is one point on which I found entire unanimity of opinion — that the Turks are rapidly diminishing in number. They have sensibly dwindled within

living memory, and numerous instances were mentioned of Turkish communities, the former existence of which is now marked only by their deserted burying-grounds. This extends even to Constantinople, where the Turkish element is maintained at an artificial level by the great Government expenditure. Many can remember when the large suburb of Kadekoi (the ancient Chalcedon) was entirely Turkish. It is now entirely Christian. In like manner, there is a hillside, overlooked from Pera, which is still covered with Turkish houses; but the former owners have almost entirely given place to Christians.

The causes of this remarkable change are not far to seek. Every reader of Gibbon remembers the pastoral band of four hundred families, which formed the germ of the Osmanlee power, and what effectual steps were taken by Osman's successors to recruit their numbers from the Christian population. The old Tartar element has almost entirely disappeared from this so-called Turkish community. The well-known features can be recognised only in a few of the troops from the distant Asiatic provinces; and the Mahommedans whom one sees in the mosques, coffeehouses, and public places, are as truly Caucasian as we are ourselves. This process of accretion has now entirely ceased. Forcible conversion is, of course, at an end, except in the case of the unhappy negro children imported from Egypt, for it is no longer necessary to "turn Turk" in order to obtain protection for family and property. The Christian races, who inhabited the country long before the Turks were heard of, have recovered from their depression, and are felt to be again in the ascendant. Even the supply of Circassian girls, with which the harems of the rich were recruited, has been cut off by the incorporation of Circassia in the Russian provinces. Another cause which acts in a direct and powerful manner in diminishing the number of the Turks is the conscription. The Turks

would neither trust the Christians as soldiers, nor would the Christians consent to serve the Turkish Government in that capacity. The consequence is that the whole burden of the conscription falls upon the Mahommedan portion of the community, wasting their youth in barren soldiering; and the jizia, or tribute upon unbelievers, continues to be paid by the Christians under the new name of "badal-askarîah," or composition for exemption from the conscription. But the main cause is polygamy, or rather the general state of morals induced by Mahommedanism. Christianity enjoins us to purify ourselves "even as he is pure;" Mahommedanism points to a sensual paradise, and gives free scope to the passions. The interior state of harems, and the tendency of polygamy to check population, are sufficiently notorious; but it is not equally well known that, even among the poorer Turks, who cannot afford more than one wife, the number of children is generally extremely small.

It is more difficult to believe that the Turks are becoming poorer, as well as fewer in number; yet such is undoubtedly the case. The Turk is not a producer. He never appears as proprietor or manager of a manufactory, or partner in a banking or mercantile firm. To keep a coffeehouse, or some of the commonest kinds of retail shops, seems to be the limit of his capacity in this respect; and this he does in such a lazy, sleepy way—spending most of his time in gossiping, smoking, and drinking coffee—that, in the sales of real property registered by the Cadi, the transfer is almost always from Mahommedan to Christian hands. "The Turks," Consul General Longworth reports, "seem to be gradually shrinking from public view into the obscure and unfrequented suburbs—their demeanour is that of stoical endurance. Poorly clad, badly housed, and indifferently fed, if they still look the masters, it is merely because neither they nor the Christians can help themselves in the matter." They misused the day

of their power, and lived at free quarters at the expense of their Christian subjects; and now a new order of things has arisen, under which the weak are protected from the strong, and every man has to live by the produce of his own labour.

Even the philosopher's stone which the Turk has discovered in London and Paris does him no good. The Sultan sets the example of unlimited palace-building, and of the still more exorbitant demands of the largest domestic establishment in the world; and the subscribers to the loans have, no doubt, observed with satisfaction the number of imperial and royal personages who have been splendidly entertained at their expense. Finding that iron-clads, built by contract on the Clyde, were expensive, and feeling a confidence in their powers of controlling dockyard-expenditure, which our ablest financiers have long since disclaimed, the Turkish Government has formed an establishment on the Golden Horn for making these pretty playthings. These are among the most respectable of the ways in which the hard-earned money lavished of late years on the Turkish Government has been spent, but they all have this character in common—that they are totally unproductive. Except two or three short lines of railway made by private companies, the guaranteed interest on which is with difficulty wrung from an embarrassed treasury, the seventy or eighty millions sterling which have been lent to Turkey since the Crimean War, on the plea of improving the country, have been squandered without leaving a single reproductive work.

The old Turkish system was a religious and military aristocracy of the coarsest kind, with the Janissaries, the bow-string, and the bastinado for its instruments; but during the last forty years an attempt has been made to govern the country on European principles. A certain number of Turkish statesmen, such as Sultan Mahmoud, Rasheed Pasha, Fuad Pasha, and, it is said, the present Grand Vizier Aali Pasha,

have striven hard to prevent the fall of their race. They have also shown themselves capable, with the aid of their European advisers, of promulgating resolutions and laws of unexceptional theoretical perfection. In one respect they have acted up to these resolutions—namely, in the matter of religious toleration. The Turks always observed a contemptuous kind of half-toleration towards their Christian subjects, conditional on the payment of the tribute imposed by the Koran on unbelievers (jizia or khiráj), but now there is more than that. An Armenian renegade lately returned to Christianity, and brought his Turkish wife with him. The case was laid before the Grand Vizier, and he ordered the relapsed infidel to be released. No doubt he remembered the determined stand Lord Stratford de Redcliffe made in a similar case. The army and navy have attained a fair degree of efficiency, with the assistance of English and French officers, but there are no sufficient reserves, either of men or money, to meet the consumption of war. There is no Turkish maritime population, and Greek sailors cannot now be forced into the service.

Even those who are most favourably disposed to the Turks are forced to admit that public corruption is as prevalent as ever, and the effect of this upon the two mainsprings of government—the judicial and financial systems—is of the most disastrous kind. As the corruption pervades all classes, and is interwoven with the manners and habits of the people, there is no solid ground for fixing a lever to remove it. A single Turkish statesman is pointed out as incorruptible, and he has been laid aside as impracticable. Outside the limits of the courts presided over by Europeans there is no confidence in the administration of justice. The most obvious fiscal reforms cannot be adopted, because the people had rather endure known evils than give those who prey upon them fresh opportunities of extortion. Turkish finance is merely a general scramble, in which the Sultan gets the lion's share for the indulgence of his royal tastes. There is no continuity in Turk-

ish society. No Turkish official thinks of founding a family in the European sense. His object is to get together enough to live upon, after the manner of his fathers, in a frail wooden house on the Bosporus, and his son begins a new career on the same principle. In that delightful region the plunder of the east and west is spent. The credulity with which our country clergymen and widows are tempted by high rates of interest to remit loan after loan to Constantinople is astonishing. If there is any truth in geometrical progression, the plan of paying the accruing interest by contracting fresh loans must collapse at no distant period.

While the Turkish *four* per cent loan guaranteed by England is quoted at 101 to 103, the unguaranteed *six* per cent loans range from 63 to 84, while the *five* per cent loan is at less than 44. Another six per cent loan has just been opened for £12,000,000 sterling, at the rate of £100 stock for £60 : 10s. sterling, offering a temptation to the investor of 11¾ per cent interest, supposing the loan to be repaid, as agreed, at 100 in thirty-three years. This stock is quoted at 61. The public revenue, general and particular (in the case of the new £12,000,000 sterling loan, the tithes of Bosnia, Epirus, the Islands of the Archipelago, and other districts, are specifically included), is pledged again and again ; but this security becomes more illusory as loan succeeds loan. What really takes place is that the interest on the old loans is paid out of the capital of the new, which will go on until this source of supply is stopped. Whenever a period of diminished credit occurs, arising from the necessity for extraordinary expenditure or some other cause, this house of cards must fall. The Turkish Government has, however, been wise in its generation. These loans have procured for them thousands of influential friends in England and France, who take a purely Stock-Exchange view of the subject, and are either ignorant or careless of other considerations. The "City" and the "Bourse

support Turkish interests only as a means of maintaining the price of Turkish stock.

The recently-promulgated law of public instruction is based on the highest principles of bureaucratic centralisation. The teachers are to be trained at Government Normal Schools. The books are to be prescribed by the Government. A comprehensive plan, supported by an annual assignment of a million of piastres, has been laid down for the development and propagation of Turkish literature.* No private school is tolerated except with the special permission of the Government, and subject to the condition that the teachers are to be licensed, and the books are to be approved by the Government. No person is allowed to open or manage a private school, even of the most elementary description, who has not taken the degree of Bachelor under the Government system; and privileges of admission into the public service are given to those who have been educated under that system, which are not extended to persons brought up at private schools. Turkish is to be the language of higher education; and no person is to be a member of the Literary and Scientific Section of the Council of Public Instruction

* Turkish is the rude dialect of a tribe of shepherds from the interior of Asia; and in order to make it available for literary purposes, it has to be supplemented by borrowing indefinitely from Arabic and Persian. The character adopted to express it is the Arabic syllabic system, which is perhaps the worst in the world. It is therefore impossible to learn Turkish for any useful practical purpose without mastering three difficult languages, and learning to read and write them fluently according to a singularly indistinct and inconvenient alphabetical system. All these languages and literatures are deeply imbued with the Mahommedan religion, and Turkish literature, of course, breathes the spirit of the Turkish political system, so that students who devote themselves to the life-long labour of learning them, must every year become more Orientalised. The process which is so prosperously going on in India would thus be exactly reversed in Turkey, and Central Asian barbarism would be propagated by the arts, as it has been already armed with the strength, of European civilisation.

who is not well acquainted with the Turkish language and literature, and able to compose and translate in Turkish. There is, however, a provisional permission of the use of French until professors have been found capable of giving a complete course of instruction in Turkish. The only foreign language included in the course is French, and the study of this is obligatory in all the seminaries above the primary schools. The Greek language is not once mentioned, although it may be presumed to be included with the Slavonian and other languages spoken by the Christian population in the following direction in reference to primary schools:—"Les communautés non Musulmanes suivront ces cours dans leurs langues respectives." The Greek language and literature have been deliberately excluded from a Government college which has been recently established, under French influence, at the capital of the old Greek Empire, although there are still from two to three millions of subjects who use that language and literature.

Thus, besides the question between Christianity and Mahommedanism, the further question between the Greek and Latin Churches has been raised, which excites at this day quite as strong feeling as it did in the latter days of the Greek Empire. There is more reason for the prevailing sentiment—"It is better to preserve our faith under the Turks than to lose it under the Latins"—than appears at first sight. The continued existence of subject populations belonging to other religions was contemplated and provided for by the founders of Mahommedanism, and the Turk does not trouble the Christian Raya about his religion so long as he pays his tribute. But the Latin Church arrogantly claims universal acceptance. Its spirit is actively aggressive; and no person who has watched its recent developments at Rome and Constantinople can doubt that the Eastern Christians have reason to be on their guard. One of the four standing

committees of the Œcumenical Council is for "Eastern Rites;" and splendidly-dressed "Patriarchs" are exhibited at all the ceremonials at Rome, in order to supplant the genuine Greek Patriarchs in the public mind.

The Greeks have not forgotten that a Latin conquest of Constantinople preceded and facilitated the Turkish conquest, for, on a comparison of the two, the Greeks of that day deliberately rejected Latin aid and preferred the Turks. The intolerant spirit of the Church of Rome also prepared the way for the subjection of the Slavonian countries to the North. "Servia and Bosnia were thoroughly reconquered by the Mahometans; and the ruin of those Christian nations which adhered to the Greek Church was accelerated by the religious intolerance with which they were treated by their fellow-Christians of Hungary and Poland, who obeyed the Pope, and hated the Greek Church as heretical. A Servian tradition relates that George Brankovich (the independent Christian king of Servia) once inquired of Hunyades what he intended to do with respect to religion if he proved victorious? Hunyades answered that he would compel the country to become Roman Catholic. Brankovich thereupon asked the same question of the Sultan, who replied that he would build a church near every mosque, and leave the people at liberty to bow in the mosques or to cross themselves in the churches, according to their respective creeds. The Servians, who heard this, thought it better to submit to the Turks, and retain their ancient faith, than to accept the Latin rites. The tradition expresses a fact, for which ample historical evidence might be cited. So also in Bosnia. The bigotry of the Church of Rome in preaching up a crusade against the sect of the Patarenes, which was extensively spread in that country, caused the speedy and complete annexation of an important frontier province to the Ottoman Empire. Seventy Bosnian fortresses are said to have opened

their gates to the Turks within eight days."* Direct religious teaching is disclaimed in the new Law of Public Instruction; but in the East the language and superintendence are everything. Neither Greeks nor Slavonians would endure to have the training of their young people taken from them and intrusted to influences which they consider hostile. Interference has already commenced with private seminaries; and if this is persisted in, a cry will be raised in the East in behalf of free education which will have important consequences.

It is impossible, therefore, to resist the conclusion that, notwithstanding all the palliatives and restoratives which have been applied, the sick man is still sick unto death. Even the violent galvanism of the great public loans has failed to resuscitate his vital powers. The disease of which he is dying is Mahommedanism. Christianity and Mahommedanism may be seen working out their natural results side by side in Turkey.† Christianity is not only consistent with, but is directly promotive of, the highest development of which human nature is capable. Mahommedanism, on the other hand, is corrupting and debasing. One is a spiritual, and the other a sensual religion. Notwithstanding disturbing causes, this general tendency is unmistakeable. It appears from an ample historical induction, that, although Mahommedanism is capable of rapidly raising nations to a certain low standard

* Creasy's *History of the Ottoman Turks*, and Rankes' *Servia*.

† The real character and power of Christianity can be fully seen only when it has to work side by side with other religions. The contrast is striking enough in India, where the governing class are Christians and the people Hindu and Mahommedan; but it is even more remarkable in Turkey, where the case is reversed, and the government is Mahommedan and the people Christian. Notwithstanding the enormous advantage which the possession of the powers of government and of the public revenue has given to the Turks, they are giving way before the industry, and intelligence, and purer morality of their subject Christian populations. As India has been saved by the Christianity of its government in spite of its people, the old Eastern Empire will be saved by the Christianity of its people in spite of its government.

of improvement, yet, when this has been attained, the corrupting influences inherent in the system regain the ascendant, and a process of decay sets in. Mahommedanism is essentially the religion of a dominant class. While their power was unbroken, the Turks lorded it over their subject Christian races, and lived luxuriously upon the capital stock of the country; but, now that they have been forced to establish equal laws and to give equal protection, they cannot stand their ground in competition with the Christians.

These truths are beginning to force themselves upon Turkish statesmen. In the remarkable document known as the political testament of Fuad Pasha, it is boldly asserted that "Islamism combines all true doctrines which have for their essential object the progress of the world and the perfection of humanity." A semblance of truth can be discovered in this only by supposing that it is intended to return to the unity of the Godhead, which is the primary doctrine of the Mahommedan creed—"Lá Illáh Lil Illáh," "There is no God but God"—passing over the second article—"Muhammad o Rusúl Alláh," "And Mahomet is the Prophet of God"—as if Mahommedans could live innocently and happily under this esoteric doctrine, like the Hyperboreans behind the north wind.

That this is the real meaning is evident from another part of the same document, where it is said "We must change all our institutions, political and civil. Many laws, useful in past ages, have become injurious to society as it at present exists." Mahommedanism is a comprehensive system, in which everything relating to civil society and domestic life is bound up together under the seal of religion. Therefore, to "change all our institutions, political and civil," is to abolish all that is distinctive in Mahommedanism. A few highly-educated persons on the surface of society may return for a time to the elementary principles of natural

religion, but the hard-worked struggling mass cannot do without the hopes and comforts of revealed religion, or what professes to be such. When the educated Hindus became aware of the absurdities involved in their idolatrous system, they launched out into natural theology; but, after various abortive attempts to devise a practical system of their own, they are every year drawing nearer to Christianity.

The future of one class of Mahommedans in Turkey is of peculiar interest. It is a mistake to suppose that the descendants of all the Christians who conformed to the dominant religion are completely merged in Mahommedanism. It is difficult to ascertain their precise religious state, and it, no doubt, varies in different districts, and in different families in the same district. They occasionally intermarry with Christians. They certainly cherish to a great extent the tradition of their ancestral Christianity. When they wish to give a more than ordinarily emphatic assurance to a Christian, they sometimes take him into the interior of their house, and, reverently uncovering a picture of the Virgin Mary and Infant Jesus, bind themselves by an oath in that solemn presence. In Epirus the distinction of race is by no means lost in that of religion, and the cry "A Turk is ill-treating an Albanian," has often brought a Mahommedan fellow-countryman running to the rescue. A strange symbolic custom was also frequently alluded to. In families, or clans, divided between Christianity and Mahommedanism, a cake is occasionally eaten, one end of which is made of pure flour for the Mahommedans, and the other partly of flour and partly of pork for the Christians. What the result will be when the tide has completely turned I do not pretend to say, but I am inclined to think that the example of the Albanian Scanderbeg will be extensively followed, who publicly abjured the Mahommedan faith, and declared his intention of defending the creed of his forefathers, and restoring the independence of his native land. I have

already mentioned that the Slavonians in the north have cordially adopted a policy of conciliation towards their Mahommedan brethren of the same race and language. Indeed, Servian history is full of examples of this mutual sympathy. For instance, Milosch Obrenovitch, the second founder of Servian independence, did not commence his final effort until he had safely conducted his adopted brother, Aschin Beg, beyond the frontier; and, in 1829, he availed himself of his good understanding with Mustapha, Pasha of Scutari, who was descended from the former kings of Servia, to delay a reinforcement of 30,000 Albanians on its way to join the army of the Grand Vizier. In the south the Greeks refer with pride and pleasure to the terms of perfect equality on which they live with the Mahommedan landed proprietors in Eubœa. Some of these have been elected Demarchs, and there is nothing to prevent their being returned as Deputies.

The Crimean War was productive of the enormously beneficial result of re-establishing the integrity of the old Eastern Empire, and giving time for the internal changes required for its re-settlement on a solid permanent basis. It is a grievous error to suppose that our national faith is pledged to maintaining the Turks, booted and spurred, on the backs of the Christian populations. Yet we have acted too much as if this was our object. Instead of joining with France in securing the autonomy of the Principalities by their union into a respectable state of the second class, tributary to Constantinople, we did all we could to oppose it; and the Bulgarians deeply resent the support we are supposed to have given to the Turks, in introducing the Tartars into their country in order to strengthen the Mahommedan element. The true solution of the Eastern question is to be found in the growth of the Christian populations, which is now in satisfactory progress; and all we have to do is to unite with the other Powers in maintaining the religious toleration and equal civil rights under the pro-

tection of which this peaceful development is taking place. In a backward stage of civilisation, communities of moderate size, connected by the bonds of a common race and religion, are more capable of self-government than large empires, the governments of which are not subject to any effective responsibility. Both these categories might be amply illustrated from our Indian empire; and, in the case before us, Roumania, Servia, and Montenegro, are examples of the first, as Turkey is of the second.

Between Servia and Montenegro is old Servia, many of the Christian inhabitants of which have taken refuge from Turkish oppression in the Austrian States; and Herzgovina, Bosnia, and Turkish Croatia, inhabited by a kindred race, are shut off from the rest of European Turkey by Servia and Montenegro, with the Danube on one side and Dalmatia on the other. The Turkish Government would probably not be unwilling to allow these troublesome and unproductive provinces to become incorporated into a tributary state with Servia and Montenegro, if the Slavonians in the northern provinces of the Eastern Empire, including the Bulgarians, were not five or six millions. Of course, the Bulgarians expect to have a more or less perfect autonomy conceded to them according to their state of development. The ultimate incorporation with the kingdom of Greece of Thessaly and Epirus, as well as of Crete and the remaining Greek islands, is inevitable. The Greeks could soon sweep the Turkish navy from the sea; and the long-range rifled breechloader and light mountain-gun have given a great advantage to all these native populations for defensive purposes. Posted under cover, in localities perfectly familiar to them, they could easily wear out the Turks if they acted together. An insignificant Slavonian community near Cattaro has lately shown what could be done in those strong countries in a good cause. This may not be what the Turks would prefer, but they must accept it as the best

arrangement for them which the circumstances allow. The Eastern Empire underwent a similar process of disintegration before the Turks got possession of it, until at last Constantinople stood almost alone. But the Sultan would retain many and fair realms under his direct administration—quite as many as he could properly govern.

The Turks must not be misled by Imperial visits, or by the interested advocacy of creditors, to suppose that the nations of Europe would allow their governments to assist in refixing the Mahommedan yoke upon the Christian populations. Happily it is not for the interest of any party that the matter should be brought to such a premature issue. Philip II. used to say that he and time were a match for all the world. The Christian populations have "time" in their favour. They have only to go on educating, and cultivating, and trading, and increasing all their available means, physical, intellectual, and moral, and they will have the game every year more in their own hands. The vehement efforts made by the Prince of Montenegro to prevent his people from joining the Cattaro insurgents, show that he, like his neighbours the Servians, is sensible that a rash unnecessary explosion would spoil everything. Recent indications of strong self-will, and of disquieting covert designs upon other nationalities, make it possible that the first provocation may come from the Turks.

We ought to settle our policy on this important subject. The railroads which Russia is making, chiefly with English capital, to her ports on the Black Sea, and to her impregnable position south of the Caucasian range and in the rear of the great Turkish province of Asia Minor, are worth a dozen Sebastopols. The Turks alone are utterly unable to resist her progress. Still less could they do so if the feeling of the Christian populations was against them and in favour of Russia. But if it should be determined to concede free institutions to these Christian populations, and to recognise the

Sultan, in a more specific manner than heretofore, as the chief of a confederacy of self-governing tributary states, the feeling would change, as it has already begun to do, and all would unite in barring out a power which would allow no man to be master in his own house. The fable of King Log and King Stork is strictly in point.

We must now resume our ascent of Pentelicus, and hasten to the end of our journey. We were accompanied by three gallant young Frenchmen and a member of the British Legation, so that, if we had been taken by brigands, two great nations and the diplomatic corps would have been committed to our rescue. The only use made of our warlike preparations, however, was that one of the French gentlemen borrowed the sword of a Greek warrior, and stood on his shoulders to cut some maiden-hair from the wall of the great cavern. As we ascended, the clouds cleared away, and the view from the summit delightfully justified what our friends had said of it. We were never tired of looking on the plain of Marathon, sweeping round, beneath us, in a sylph-like curve ending in the Dog's Tail (Κυνόσουρα, Cynosure). In our descent we again wondered at the vast extent of the marble quarries, trenching the mountain nearly from top to bottom, and covering it with huge accumulations of debris. A few workmen were cutting out milk-white blocks for the new Academy. I shall be surprised if this beautiful material is not soon restored to commerce by the construction of a tramway to Athens. Great part of the way the blocks would descend by their own weight.*

* The abundance of beautiful material is one of the charms of Athens. At Rome the most highly decorated buildings were only veneered with marble, so that their ruins are now an unsightly core of rough concrete. At Athens they are entirely of marble, of a kind which acquires from age a mellow tint which adds greatly to its beauty. The boast of Augustus that, having found Rome brick, he left it marble, is therefore no longer applicable; but the great works of Pericles seem to be endowed with perpetual youth. Although they are about 450 years older than the time of Augustus, they retain their freshness to this day.

The good monks treated us to Hymettus honey, and gave us a nosegay of pine and arbutus, which we fondly hoped to take with us to England, but an unsentimental cabin-boy found it as he was washing decks at Corfu, and threw it into the sea. As we recrossed the plain to Athens, the colours were more beautiful than I can describe. Pentelicus was real Athenian violet; Hymettus was purple; and the distant mountains of Ægina and the Morea were deep blue. I also became sensible of the impression which a distant view of Pentelicus has always made. It gradually rises from the plain on both sides like a depressed pyramid, with a slightly undulated skyline. We took leave of Athens by rowing to Xerxes' seat in the Straits of Salamis, which enabled us to sympathise with the feeling with which the ancients regarded this full side-view of the Parthenon, Propylæa and Minerva Promakos, from the sea, against the sky, just over the intervening spur of Mount Ægaleos, as well as to understand more fully the battle which prevented the light of Greece from being extinguished before it had done its work of civilisation.

Next morning we awoke at the Isthmus of Corinth, which we crossed in a long cavalcade of carriages, under the protection of picturesque groups of gallant-looking Korophylakes, in the graceful national dress, stationed here and there at points commanding the road. Some of them had occupied their leisure by boring with a screw fixed at the end of a stout pole, for the squared stones of the Isthmian wall, the line of which was clearly defined. Although the object was to "raise up the foundations of many generations," yet the "stones of Greece" are so full of interest, that they ought to be allowed to remain *in situ* as far as possible, and I should hope that at least a specimen or two of this famous wall will be left intact. Such was the wealth of ancient Corinth, that people gain a livelihood to this day by searching for what remains of it. It is usually done when the ground is soft after rain; and if their

probe is resisted by any hard substance, they dig and see what it is. The Akro-Corinthos, standing, in its huge bulk, sheer out of the plain, is the most lordly-looking citadel I ever saw. Happily, after all its vicissitudes, it is enjoying an interval of repose. We could not see a single soldier, nor any sign of warlike preparation. We thought again of St. Paul, and of the two epistles he addressed to the proud and luxurious city where he worked at his trade of a tent-maker.

But we were not so absorbed in the past as to forget that Corinth has a future. One of the most curious books in existence is the *Periplus of the Erythræan Sea*, by Cosmas Indicopleustes, a Greek of Alexandria, who is supposed to have lived in the early part of the second century. From this and other historical data it appears that, during the long period of the Greek and Roman occupation of Egypt, the trade with India was chiefly in the hands of the Greeks. The starting-point was Berenice on the Red Sea, the remains of which attracted attention during the Abyssinian expedition; and the Greek navigators were familiar with all the Indian ports from the Indus to the Ganges, and beyond that to the Malayan Peninsula, or Golden Chersonesus, where they met the Chinese traders. The opening of the Isthmus of Suez gives the Greeks an extraordinary advantage for renewing this ancient connection. It finds them established as an independent nation almost at the entrance of the canal, with a flourishing mercantile marine, and with mercantile connections extending even to India. Their commerce is conducted with remarkable economy, in vessels of moderate size, which, with the addition of an auxiliary screw, would be well suited for the navigation from Port Said to Babel Mandel. The reappearance of the Greek flag in the Ganges, after so many centuries, would be welcomed by all classes in India. But the opening of the smaller Grecian isthmus is a necessary supplement to the great Egyptian work. So important is it to

Austria and Italy, as well as to Greece, that there should be a direct navigation eastward through the Gulf of Corinth to the Black and Red Seas, that the expense ought to be shared between those three countries. As far as we could see when we were crossing the Isthmus, there would be no difficulty beyond what is experienced in the case of every deep railway cutting. The spurs of the mountain ranges on both sides sink into a depression at the northern end of the Isthmus; and, as there are no moving sands, there would be slight occasion for repairs. "New Corinth" has at present a half-alive look, but the time may come when it will emulate the wealth of the ancient city, and our mode of passing the Isthmus, under the guardianship of wild-looking Korophylakes, will be remembered as a piece of archaic barbarism. The final victory of Grecian independence will be won neither by Klephts nor ironclads, but by the pickaxe of the navvy, the screw-steamer of the merchant, and the well-considered and consistently-maintained regulations of the public administrator.

We looked with longing eyes on the Gulf of Crissa leading to Delphi, and on the roots of Parnassus, for his head was enveloped in clouds. Patras is a well-laid-out, thriving commercial town, with excellent quays. Next day we had from the deck a beautiful panoramic view of Zante, "the flower of the Levant"—"Zante, Zante, Fior di Levante;" and we saw enough of Cephalonia to appreciate the proverbial industry of its inhabitants and the excellence of Sir Charles Napier's roads. At Corfu we stayed two days, and crossed the island in various directions. The gift of the Ionian Islands was a royal proof of good-will to Greece, and they were handed over with a full outfit of public works and institutions suited to a high state of civilisation. The parade-ground at Corfu is an extremely-interesting promenade, with the "aeriæ Phæacum arces" rising in two rocky peaks full in front. The Casino, formerly the suburban villa of the Lord High Commissioner,

and now of the King, is a delightful residence. The roads are well kept up, and our Lunatic Asylum and Prison are the model institutions of the kind in Greece. The police and courts of justice are favourably spoken of, and seem to be regarded with confidence. Lord Guilford's University has been absorbed in that of Athens, but the building is occupied by a flourishing self-supporting public school of a high class. In the face of so many signs of improvement, it was melancholy to see the opposite coast of Epirus, where, as usual in Turkey, stagnation reigns supreme. Although once rich and highly cultivated, it is now chiefly known as a sporting ground for deer and wild boars. The population of that part of the Continent which is overlapped by the Ionian Islands is almost entirely Christian.

Greatly to my regret, I was unable to visit Ithaca, but I was delighted to trace Ulysses at Corfu. Ancients and moderns agree that Alcinous' city was at or near the modern town of Corfu; and, as Ulysses' raft was driven to it by a north wind, he must have come down by the northern channel between the island and the mainland. The headlands (ἀκταὶ προβλῆτες) which he avoided must have been the eastern extremity of the mountain ridge of St. Salvador. This would have brought him straight to Potamos, where he met the most charming character in all literature. Potamos singularly answers to all the conditions of the story. There is "the river" (ποταμός) emphatically so called, because it is the only stream deserving that name in the island. The distance from the town is precisely what might have been expected from the narrative; and the neck of land leading to the town is so narrow that, as Nausicaa said, a child might show the way. But when Ulysses was sent back to Ithaca, it must have been from the harbour opening to the south-east (now Lake Calichiopulo), on the other side of the tongue of land on which Corfu stands; and at the mouth of this harbour (μάλα

σχεδόν, "very near") is a rock precisely where the galley which took Ulysses home would have been when it was turned to stone by Neptune on its return. Whoever the author of the Odyssey may have been, he was perfectly well acquainted with Corfu. All this has, I dare say, been said ten times before. My only claim to be heard is that I write, not from books, but from personal observation, including some localities which claim to be authentic, but in my opinion are not.

Crossing to Brindisi, we had to face a storm against which the steamer scarcely made two knots an hour, and when with difficulty we reached the harbour before nightfall, the captain announced that there had been "molto pericolo." Brindisi presents the interesting spectacle of a mediæval town, full of the deserted palaces of a bygone provincial nobility, suddenly converted to the uses of the latter half of the nineteenth century. Then we crossed the Apennines by rail, with a short unfinished section to Naples, where it was pleasant, after thirty years, to see undoubted signs of progress. Pains are now taken to clean the town. The upper and middle classes have greatly increased in number; and the lower classes, however poor some of them may still be, are all doing something, and have lost the hopeless, heartless, lounging character which used to disgrace them. Above all, the city is full of schools of all sorts, for all classes of young people. Certainly this is an age of national regeneration: old Italy and old Greece both base their hopes for the future upon widespread popular education.

C. E. T.

THE ENDOWED "HOSPITALS" OF SCOTLAND.

THE traditional English traveller is reported to have said that "the people of Edinburgh must be very sickly, they had so many hospitals round about their town."

But of course this was only a piece of Southron ignorance, as everybody knows that the so-called "Hospitals" of Edinburgh are only charity schools.

The origin and affiliation of the name is clear enough. George Heriot, the worthy and magnificent goldsmith to James I. of England—the "Jingling Geordie" of Sir Walter Scott's charming novel—waxing old, in the year 1623 made a disposition and assignation of his property, in which the following occurs:—

"And forsamekle as I intend, be Goddis grace, in the zeele of pietie, to found and erect ane publick, pious, and charitable worke within the said burgh of Edinburgh, to the glory of God, ffor the publict weill and ornament of the said burgh of Edinburgh, ffor the honour and dew regaird quhilk I have and bears to my native soyle and mother city of Edinburgh forsaid, and in imitatione of the publict, pious, and religious work foundat within the citie of London, called Chrystis Hospital thair, to be callit in all tyme coming —— Hospital and Seminarie of Orphans, for educatione, nursing, and upbringing of youth, being puir orphans and fathirless childrene of decayit burgesses and freemen of the said burgh, destitut and left without meanes," etc.

The name of hospital, then, came to Edinburgh from Christ's Hospital in London, of which we know that it was

one of three hospitals* founded by Edward VI., who was moved thereto by a noble sermon on charity which Bishop Ridley preached before him in Westminster.

What Christ's Hospital has been during the last century we all know more or less, if only from the notices of it afforded us by its two most illustrious pupils, Coleridge and Charles Lamb. What it was in 1623 appears to have struck the fancy of the good George Heriot, who desired to found a similar institution for the benefit of his mother city. He left his friend Dr. Balcanquall (Master of the Savoy) to draw up the statutes, and the provost and bailies of Edinburgh to carry his foundation into effect, with the stern injunction that if they should fail in any fundamental point, the whole "meins and landis so applied and limited for the said hospital," shall be absolutely and wholly placed at the disposal of the rector and professors of the University of St. Andrews, for the maintenance of poor scholars in that University. The terms of this clause do not appear to have been dictated by any preference of the University of St. Andrews to that of Edinburgh, but merely arose from the circumstance that the provost and bailies of Edinburgh were the patrons and administrators of the University of Edinburgh, and if they should fail in their trust as regards the hospital, the funds were to be removed to a University entirely out of their control.

No one has as yet ventured even to suggest the enforcement of this clause, yet still it is in itself not unimportant as affording an indication that the prominent intention in

* These three hospitals were intended by the young king to provide a suitable asylum for each of the three classes into which the pauperism of the metropolis had been divided—namely (1) Christ's Hospital, for the poor by impotency, such as young fatherless children; (2) St. Thomas' Hospital, for the poor by casualty, as the maimed, the sick, and the diseased; (3) Bridewell Hospital, for the thriftless poor, whom idleness and vice had reduced to indigence and want.

Heriot's mind was a wish to provide efficient education for poor scholars generally, rather than an exclusive purpose to benefit the burgesses of Edinburgh.

In 1624 George Heriot died, and in 1628 the first stone of the beautiful edifice now called after him was laid. In 1650 the building was nearly finished, when it was taken possession of by Oliver Cromwell, as quarters for his sick and wounded soldiers after the battle of Dunbar; and it was not till 1658 that General Monk consented to the removal of the "sick sodgers." In 1659 the hospital was opened for thirty boys, with a solemn dedication. Heriot's Hospital having been founded in imitation of Christ's Hospital, set the example to numerous other "Hospitals" in or near Edinburgh, founded expressly in imitation of Heriot's.

Of these imitations of an imitation, the following list may be given—

1.	The Merchant Maidens' Hospital,	founded	1695
2.	The Trades Maidens' Hospital,	„	1704
3.	The Orphan Hospital,	„	1727
4.	George Watson's Hospital,	„	1738
5.	John Watson's Hospital,	„	1759
6.	James Schaw's Hospital,	„	1789
7.	Daniel Stewart's Hospital,	„	1814
8.	George Stiell's Hospital,	„	1822
9.	James Donaldson's Hospital,	„	1830
10.	Louis Cauvin's Hospital,	„	1833

Of these institutions we see that Nos. 1, 2, and 3 are impersonally designated, having been founded respectively by the Merchant Company, by the Freemen of the Incorporated Trades, and by a general subscription. The other seven hospitals bear each the name of its founder, and truly more splendid mausoleums for the memory of individual citizens could hardly have been devised. Conspicuous from a hundred points of view, they draw a half-circle of varied and stately

architecture about the city of Edinburgh, adding dignity and embellishment to the scene; and over the portals of each might be inscribed those verses from the book of Ecclesiasticus (chapter xliv.), which are wont to be read at Oxford on college "gaudy days," in honour of pious founders and benefactors—

"Let us now praise famous men, and our fathers that begat us.

"The Lord hath wrought great glory by them through his great power from the beginning.

"Rich men furnished with ability, living peaceably in their habitations.

"There be of them that have left a name behind them, that their praises might be reported.

"Their bodies are buried in peace; but their name liveth for evermore."

It is only a doubtful tradition that attributes the design for Heriot's Hospital to Inigo Jones, yet he was known to have been a friend of Dr. Balcanquall, Heriot's chief trustee, and the building bears some traces of his style. The whole impression produced by this building, with its surrounding green lawns, and its romantic situation, overlooked by the Castle-rock and the crown-like spire of St. Giles, is something unique and unrivalled. Donaldson's Hospital, though unequal to this in taste, has the size and the imposing aspect of a royal palace. Other hospitals, such as the Merchant Maidens', the Orphan, and John Watson's, have the manorial beauty of fine country-seats. In the building of Stewart's Hospital we have (if report be true) a section of a rejected design for the Westminster Houses of Parliament. Indeed, the trustees of these foundations have sometimes been reproached with a too lavish outlay of the original endowments on mere architectural display, not required by the character of the educational institutions which it was designed to establish. But they have re-

plied that they considered it their first duty, and also their best policy, with a view to encouraging future endowments of the kind, to provide in each case (quite irrespective of educational purposes) a suitable and worthy monument to the founder's name.

And whatever may be alleged against these trustees, certainly they cannot be charged (speaking generally) with anything like a careless or unthrifty stewardship of the funds intrusted to them. On the contrary, the augmentation of hospital endowments that has accrued under the management of the Town-Council, the Merchant Company, and other bodies of trustees, since the original bequest, has been something extraordinary, and perhaps unrivalled in the history of trust-funds. To take only two instances of this—The original bequest of George Heriot amounted only to £23,625; the revenue now derived from the investment of this sum, less the cost of the building, is upwards of £16,000 per annum! The original bequest of Daniel Stewart, who died in 1814, was £13,000, by mere accumulation and investment of which the property of Stewart's Hospital is now estimated at £120,000. Indeed, the members of the Merchant Company are so proud of their faithful and successful stewardship, as to have been heard to boast that they are virtually the creators of the funds, which have been raised as a superstructure on comparatively small bequests, and that therefore they have acquired an indefeasible right, as of possessors, over such funds, of which right it would be unjust to deprive them. Such a doctrine of trusteeship, however, would hardly bear to be generally carried out, else a trustee successful in investments would be a creature carefully to be avoided, lest he should turn out to be a cuckoo in the nest. A careful study of the self-denying ordinance, and of the verse, "sic vos non vobis," may therefore be recommended to the Merchant Company of Edinburgh.

Good fortune, of course, aided in a remarkable degree the prudence of those who invested the hospital funds. The Heriot Hospital estate especially grew with the growth of the metropolis itself. It is stale enough now to compare Edinburgh to Athens, but one point in the comparison has perhaps not always been remembered, and that is the analogy of the relationship between Edinburgh and her harbour of Leith to the relationship between Athens and her harbour of Piræus. The Old Town of Edinburgh, which lay stretched along the ridge of hill from the Castle to Holyrood House may be said to have been irresistibly drawn towards Leith; else, certainly, all extension of the city would have taken place in the other direction, to the south instead of the north, under the attraction of far greater amenities of climate and situation. But Leith imperatively called Edinburgh to cross the North Bridge (which was first built as part of the road to Leith), and about 100 years ago this call began to be obeyed. And more than 130 years previous to that the provost and bailies of Edinburgh had begun to buy up for Heriot's Hospital (probably in unconsciousness of the real value of the purchase they were making) the lands called "Broughton," to the north of the Old Town. So persistently were their investments continued in this direction, that Heriot's Hospital became the proprietor of all the land which now forms the site of the rich and handsome New Town of Edinburgh, besides much ground running west and south-west from this in a half-circle. Subsequently, in 1766, the provost and bailies found themselves placed in a delicate predicament; for when the Broughton and other lands were required for the building of the New Town, they were called upon to play a double character. As trustees of Heriot's Hospital, they had to come forward as sellers and get the highest possible price for the ground; as the Town-Council of Edinburgh, they appeared as buyers, and were naturally

disposed to get sites for the city extensions as moderately as possible. In such a position, it would hardly have been in the nature of things for them to have acted in such a way as to escape all imputation of leaning to the one side or the other. And, accordingly, it appears to have been hinted that they sacrificed the hospital interests. Sir Walter Scott, however, in his *Provincial Antiquities of Scotland*, has given an elaborate defence of their conduct under the difficult circumstances in which they were; and, probably, it must be acknowledged that they steered a fair medium course. But it is certain that, had they acted solely with the instinct of sellers, or had they disposed of the ground-rents of the new town of Edinburgh on the same terms that leases of ground in London were granted by the Marquis of Westminster and others, the revenues of Heriot's Hospital, instead of reckoning at £16,000 per annum in the present day, would have required almost another cipher to express their value.

However this may be, the "hospitals" round Edinburgh have ample means at their disposal. They are not only handsome, but rich, so that men are justified in asking what is the amount of solid good which these eleven imposing institutions, with a total income of about £50,000, have done, and are doing, to the city and the country at large. The institutions were doubtless separately founded, but they were made intentionally homogeneous; and it is only natural to look at their joint revenues as a fund for a common purpose, and to ask how it has been applied.

It would have been difficult to spend £50,000 per annum, with a charitable and educational object in view, without doing any good; and yet, at the same time, any misdirection in the expenditure of so large a fund could hardly fail to produce absolute evil in the community. That the endowed hospitals of Scotland have helped many indigent families, and given many an orphan a fair chance of earning a liveli-

hood in the lower middle ranks of society, and that they have even helped a very few to rise to highly respectable situations, no one denies. But it would be against all facts, and against the opinion of all enlightened men, to contend that their effects have equalled, either in quantity or quality, what might have been expected from them. And many competent judges are of opinion that the system which has grown into existence under the name of the "hospital-system" of Scotland, has been vitiated by certain faults which have produced positively injurious effects on the character both of the pupils themselves and of the classes of society from which those pupils are drawn.

Looking at the question from a modern point of view, we see that the hospitals of Edinburgh educate within their walls only about 1100 pupils. This number, at a total cost of say £45,500 per annum,* gives an annual cost per head of £41, which, even including board and lodging, ought certainly to afford to each pupil a high secondary education, or the most useful kind of technical or commercial instruction. One would expect that for this cost the *élite* of the pupils might be sent, fully prepared, to the University, and the remainder started with peculiar advantages in different special walks of life. But nothing of the kind: the boys under instruction in hospitals are from seven to fourteen years of age, and cannot be advanced into the really valuable part of secondary instruction. And there is a dead monotony about these institutions which prevents any co-operation and division of labour among them, so that no special branches of instruction, technical or otherwise, are cultivated in any of them, for the benefit of the pupils and of the community.

The outcome, then, of this expenditure of £50,000 per annum is clearly insufficient. If the hospitals be definitely

* *i.e.* Deducting about £4500 expended from the Heriot's Hospital on affiliated primary schools.

laid down as schools of primary instruction (and they are really little more), the cost per head is enormous. The number of the pupils ought to be many times multiplied. If the hospitals are not merely primary schools, then they ought to show definite results as graded institutions, with primary, industrial, technical, and secondary instruction, each in its proper place. The deficiency of results is a *prima facie* ground for desiring some change in the hospital system. While the education of the people ought to be the first desire of a statesman's heart, it is no light thing to acquiesce in the waste and squandering of £50,000 per annum of money set apart for educational purposes.

The administration of the system has been considered not only to do deficient good, but also positive harm by affording gratuitous and charitable education to the children of parents able, either easily or with a little effort, to pay for such education. By this fatal gift, so widely distributed, whole classes of the people have been in a measure pauperised. Heriot directed that his hospital should be for the relief of indigent burgesses of the city of Edinburgh. By the operation of this bequest numerous individuals are constantly getting themselves enrolled as burgesses, at a payment of about £5 to the municipality, which payment may be regarded as a good investment, as it gives a claim (indigence being often left out of the question) to maintenance and instruction for one or more children during a period of seven years. Other hospital charters give absolute preference to boys of particular names, such as Donaldson, Stewart, Schaw, etc.; and the fortunate possessors of the favoured nomenclatures have been too frequently admitted with "no questions asked" as to circumstances, character, or attainments. Where "burgesses" are not specified, "poor boys" in general are considered the objects of these charities. And under this wide designation the children of respectable household servants, and even of

well-to-do tradesmen, are admitted by the personal favour of trustees with whom interest has been made. A large charitable fund administered in such fashion may well be conceived to have a tendency to undermine the independence of character of certain classes, and actually to demoralise them by inducing them to barter their children against the cost of those children's education.

For, under the hospital system, a boy is really taken quite away from his parents, whom he revisits only for short periods each year, and in some cases not at all. He becomes part of a juvenile monastic community, in which he lives and moves and has his being, in isolation from the rest of the world. The hospital boy loses his home sympathies and affections, and all the seeds of the best and sweetest feelings of childhood are dried up and prevented from expanding in his breast. He often conceives a contempt and dislike for his home, owing to the superior comforts and splendours spread around him in the hospital. After moving amidst high vaulted halls, arched stone corridors, dormitories equal in convenience to those of Westminster or Rugby, spacious lawns, and trim gardens, it can hardly be expected that the hospital boy should appreciate his home when it appears to him under the form of a dark little house in some back street, where his parents and relations, in what to them does not seem discomfort, are fighting out the battle of life. Thus he is rendered soft and selfish, and is to a certain extent disqualified for the sphere of life into which he will afterwards be launched. And this is no mere picture of the fancy, but a result well known to those who are practically conversant with the working of the hospital system. It is the remark of an eminent authority on this subject, who has done perhaps more than any one else to improve some of the hospitals of Edinburgh, that he "never yet knew an hospital boy who had either gratitude or self-dependence."

It has been said that there are four points in which hospitals differ from ordinary boarding-schools.—1. In that the education is gratuitous, and bears the degrading stamp of charity. 2. That the usual age of admission is earlier, and the period of residence longer. 3. That the opinions on which the pupils act, for a long time after admission, being to a great extent traditionary, there is less than the average demand for independent thinking. 4. That the domestic comforts are generally greater than the pupils are accustomed to at home.

Bearing in mind these differences, we can easily see how it is that the child of a rich man is sent to a public school in order that he may live more plainly and hardily, and learn more of the world, than he would at home; while the child of a poor man sent to an hospital lives too luxuriously for his station, and is shut out from knowledge of the world which he would otherwise have acquired.

The dulness of hospital boys is proverbial. Coming at the age of seven, they bring hardly any ideas with them. They are cooped up with other wretches in the same plight as themselves, and their sole mental furniture consists of the narrow stock of traditionary hospital modes of thought, and of what the master, by dint of effort, can succeed in pumping into them. All who have watched the expansion of a child's intellect, from the age of seven years onward, when at home and in affectionate contact with his parents and seniors, and with other families, will know how wonderful that development is, how rapid the assimilation of ideas on a thousand subjects which could never come within the scope of class lessons. But from all this the hospital child is shut out. The monotony of hospital life has a very dulling effect on the childish intellect, and experienced hospital teachers have been heard to say that, even for the matter of learning lessons, the boys would have far fresher minds if they only went home

for the night, instead of continuing an eternal monotonous round between the sleeping-rooms, dining-halls, and lesson-rooms, within the walls of the hospital. It is indeed an open question whether, under any circumstances, charity children should be allowed to become boarders in any institution. At all events, it seems certain that the hospital boy is too often turned out into life with a strange ignorance of many ordinary things, and crippled for the time both in his moral and his intellectual nature.

This gloomy view of the results of certain well-intentioned and munificent bequests is not now either conceived or stated for the first time. Much of what has been above briefly set forth was contained or implied in the Report of a Committee to inquire into the state of Heriot's Hospital, obtained in 1844 by the energetic representations of Sir William (then Mr. Councillor) Johnston. And one of the main points referred to—namely the evil of unnaturally separating children from family life and the family influence—was forcibly brought out by a clear-sighted and intrepid reformer, the late Dr. Robert Lee, in a sermon preached before the astonished governors of Heriot's Hospital, in 1846, on the anniversary of George Heriot's birthday. Since which day, the charge of "monasticism" against the hospitals has more and more been accepted by thinking men in Edinburgh, and has more and more grown to be a by-word.

During the last forty years there has been a steady movement of public opinion, accompanied by more or less of action, in the direction of hospital improvement. In 1835, Mr. Duncan M'Laren (now Member for Edinburgh) moved the application of the surplus revenue of Heriot's Hospital (then about £3000, now about £4500 per annum, to the establishment of external schools for the education of such burgesses' sons as could not be admitted into the hospital. An Act of Parliament was obtained for the sanction of this proposal, and

ultimately twelve* schools (eight juvenile and four infant) were established in the most densely-peopled localities, open, without fees of any kind, for the children not only of burgesses, but also of all residing within the Parliamentary bounds of the city.

In 1863, Dr. Bedford, resident governor of Heriot's Hospital, read before the National Association for the Promotion of Social Science, at its Edinburgh meeting, a paper on the Hospital System of Scotland. Dr. Bedford chiefly dwelt on the disadvantages of the "monastic" system, and suggested palliations, in the shape of making the age for the admission and removal of inmates later; of admitting an admixture of day scholars; and of introducing public examinations of hospital scholars.

In 1868, Her Majesty's Commissioners appointed to inquire into the schools in Scotland issued their Report on Burgh and Middle-class Schools, in which they stated their opinion that the facts with reference to hospital funds "point to the necessity of some inquiry, in order to ascertain whether more economy might not be introduced into the administration, and whether the inmates of the hospitals might not be more economically educated and boarded."

In the same year (1868) the Merchant Company of Edinburgh, chiefly moved thereto by their energetic Master, Mr. J. S. Duncan, appointed Mr. Simon S. Laurie to inspect and report on the hospitals under their administration, and, at the same time, to make general remarks on hospital training, and suggestions for its improvement. Mr. Laurie's Report on these subjects was in harmony with the general public opinion as to the state of things, and at the same time suggested some bold remedies, one of which was, that all the boys on George Watson's foundation (being the sons or grandsons of merchants) should, instead of being taught within the walls of the hospital, be sent to attend the High School of Edinburgh.

* These appear afterwards to have been reduced to nine.

Another suggestion was, that the Merchant Maidens' Hospital should be thrown open as a day-school for girls of the merchant class.

No immediate action was taken upon this Report, and in the beginning of 1869 the following clause was inserted in the Parochial Schools (Scotland) Bill, to be introduced into the House of Lords by the Duke of Argyll:—

"It shall be lawful for the Board (*i.e.* the proposed Central Scotch Board of Education), by themselves, or by those duly authorised by them in that behalf, to inspect every school or institution which, in the opinion of the Board, is established wholly or partially for the purpose of elementary education, and which, at the passing of this Act, or at any time hereafter, may enjoy the benefit of any mortification, or endowment, or grant, from the trustees of any bequest, for educational purposes, etc.; and it shall not be lawful, after two years from the passing of this Act, for the trustees of any bequest for educational purposes to make any grant from such bequest to any such school or institution as aforesaid, appointed after the passing of this Act, who shall not hold a certificate of competency within the meaning of this Act, or to any school which is not taught by a teacher holding such certificate."

It may possibly have been the appearance of this clause in the draft bill, or it may have been the apprehension of some more drastic action on the part of the reformed Parliament of 1869, which gave the final stimulus to the Merchant Company of Edinburgh. For that body, shortly after the meeting of the Houses, sent a deputation to wait on the Lord Advocate in London, the result of which deputation was that the Lord Advocate agreed to accept and introduce a permissive bill empowering governors of hospitals to reform their own institutions, in lieu of the above-mentioned clause* in the Parochial Schools' Bill, and of any other more direct

* The clause was said to have been cut out of the Bill ten minutes before the Duke of Argyll commenced moving it in the House of Lords.

action of Parliament. This arrangement, however, did not entirely satisfy the Scotch representatives. On the 8th June Sir Edward Colebrooke moved for a Royal Commission to inquire into the nature and amount of all endowments in Scotland, the funds of which are devoted to the maintenance or education of young persons; also to inquire into the administration and management of any hospitals or schools supported by such endowments, and into the system and course of study respectively pursued therein; and to report whether any and what changes in the administration and use of such endowments are expedient, by which their usefulness and efficiency may be increased.

Sir Edward pointed out that in England the question of educational endowments had been the subject of inquiry after inquiry, and was now ripe for legislation, but that in Scotland it was far otherwise. The public knew little or nothing definitely about the property and administration of the large charitable institutions which existed, and the subject had been almost entirely ignored in the General Report of the Scotch Schools' Commissioners.

Sir Edward Colebrooke's motion was seconded in a rather lukewarm way by Mr. M'Laren, who, while supporting the motion for the appointment of a commission, deprecated the idea that any large available funds would be discovered, and seemed to imply that the nine free schools affiliated to Heriot's Hospital, and educating 3300 children at the annual cost of £1 : 7 : 6 per head, would be found to constitute a complete justification of the hospital system.

The Lord Advocate, without directly opposing the motion, proposed that its consideration should be deferred till it could be taken up in connection with that of the Endowed Hospitals Bill. The debate thus adjourned was never again resumed.

On the 17th June, on the motion for going into committee

on the Endowed Hospitals Bill, Dr. Lyon Playfair made a powerful speech, pointing out the inadequacy of a permissive bill for producing anything like a real and adequate reform of the hospital system. He pointed out that this system was administered by close corporations, who were not in the faintest degree likely to abrogate their own privileges and patronage; and that it seemed directly against the three important principles laid down by Mr. Forster as the basis of his bill for the endowed schools of England—namely, 1st, That admission to such schools must be by merit and not by favour; 2d, That gradation in such schools must be established, so that if there be two or more endowments in one district, they should not be mere duplicates, but, each acting in co-ordination with the rest, should supply a particular educational want; 3d, That these schools must be deprived of the power of pauperising the middle or poorer classes, by bestowing education as an alms or dole upon people who can afford, and who ought, to pay for it. Dr. Lyon Playfair drew effective pictures of the hospital system as it is, and as it might be made by means of an adequate and simultaneous organisation of the endowed institutions. He argued that a permissive bill could only have the effect of blocking up the way with crude and disjointed schemes, and he ended by moving that "this House will, upon this day three months, resolve itself into the said committee."

The Government, however, defended their Bill on the ground that, though permissive, it was only a temporary measure, only continuing in force until 31st December 1871. If, in that interval, the trustees of hospitals should fail to do their duty, the bill would retain to the Government the power of dealing with the question. Under this explanation the "Endowed Institutions (Scotland) Bill" passed through the committee of the House of Commons, and has now become law.

The provisions of the Act are most simple. By it, trustees

of hospitals and endowed institutions are enabled "to apply for and obtain from Parliament power and authority whereby the usefulness and efficiency of the said hospitals and institutions may be increased." No word is said here, or throughout the Act, of founders' intentions. A simple majority of those present at a special meeting of trustees (called for the purpose at a month's notice) is sufficient to resolve on applying for the particular power wanted. Petition is to be made to the Secretary of State, who may appoint the sheriff of the county to inquire into the matter of the petition, and afterwards, if he sees fit, issue a provisional order on the subject, which, after it has lain forty days before Parliament, shall, if not opposed in the form of an address by Parliament, come into operation.

Nothing could have put the trustees of hospitals more completely on their trial than this Act. It leaves them such absolute liberty of procedure, and yet defines the time of grace during which this liberty may be enjoyed, so exactly. On the 31st December 1871 the Act will cease to be in force, provided only that, "if special cause be shown," Her Majesty in Council may extend its operation, with respect to any particular hospital or institution, until the 31st July 1872.

The Act was obtained, as above mentioned, at the direct instance of the Merchant Company. It remains to be seen what use that corporation and other bodies of trustees will make of it, now that they have got it. There are three ways in which the days of grace may be spent by these bodies:—Either the time may be allowed to pass without any change being resolved on worthy of the occasion, or likely, in any important measure, to benefit the community; in which case the Parliament of England, then fresh from the spectacle of the working of Mr. Forster's Endowed Schools Bill, will no longer hold its hand—we shall, undoubtedly, see the appointment of the Royal Commission asked for by Sir E. Colebrooke.

Or, secondly, bodies of trustees acting in a separate, timid, and, one might almost say, selfish manner, without a sufficiently enlightened regard to the nature of the question as a whole, may succeed in fulfilling the prophecy of Dr. Lyon Playfair, and in "blocking up the way with crude and disjointed schemes;" and in this case the revising and supplementing work of a commission will hardly be dispensed with. Or, thirdly (though some think it Utopian even to state such an alternative), the managing bodies may really rise to the emergency. They may exhibit such wise and comprehensive faculties of discernment, such powers of combined action, such loyal deference to a common cause, such capacities of business and organisation, as to constitute themselves their own commission, and to show that they require nothing done for them, being themselves capable of effecting a "glorious revolution" from within.

Confining our attention for the present to the hospitals in or near Edinburgh, it is easy, by a little analysis, to clear the question with regard to them. The Merchant Maidens' and Trades' Maidens' Hospitals are girl-schools. They require reform and extension, especially in the direction of a large day-school element. But they stand apart, and may be dealt with separately by their respective governors. The Orphan Hospital, again, has a definite and special object in view. The only question is whether this might not be more efficiently attained by simply boarding out the orphans, under due supervision, in different parts of the country, according to the plan which, under the Scotch Poor-Law system, has been found so beneficial in providing for pauper children. The Orphan Hospital, then, may be eliminated from the general hospital question of Edinburgh. In like manner, Schaw's, Steill's, and Cauvin's Hospitals all stand apart, being too far removed outside the metropolis to make it natural that they should come within the scope of any scheme of federated metropolitan

institutions. They should be separately improved by the abandonment of the "monastic" system within their walls, and by being thrown open as day-schools (with perhaps an industrial element) for the lower classes of Prestonpans, Tranent, and Duddingston with its neighbourhood.

Having thus eliminated six lesser hospitals from the question, we have five greater ones left to be dealt with—namely,

Heriot's, with an income of say . .	£16,500
Donaldson's „ „ . .	9,000
George Watson's „ . .	6,500
John Watson's „ „ . .	4,500
Stewart's „ „ . .	3,200
	£39,700

Deducting from this total sum say £4700 per annum for the nine affiliated schools belonging to Heriot's Hospital, there will remain a revenue of at least £35,000 a-year, and four great architectural edifices, as educational means and appliances to be turned to account. We say *four* edifices, because the building of George Watson's Hospital has lately been sold as a site for the Infirmary for £45,000. This amount, then, will have either to be re-expended in fresh architectural display, or it may be capitalised, and £1800 per annum may be added to the estimated revenues of the George Watson trust. It will at once be seen how much this latter circumstance adds to the facility of action of the trustees; nothing could have been more fortunate than such an occurrence at the present moment.

The present result produced by these five great hospitals, with their architectural edifices and their joint available revenues of £35,000 per annum, is that they maintain and educate altogether about 620 children, at an annual cost of £56 per head, and that the education received by these children, being barely above primary instruction, is just

enough to qualify them for being apprentices and assistants in shops,—which situations they are apt to enter upon considerably dulled beforehand, both in mind and spirit, by the operation of the monastic system. Heriot's Hospital was to be founded in imitation of the Blue-Coat School in London. But nothing is more characteristic of the Blue-Coat School than the careful way in which it is graded, so that a boy can either move up by merit into the dignity of a "Grecian," remaining at school, under the highest classical instruction, till eighteen years of age, when he is sent with an exhibition to Oxford or Cambridge; or else, if he fails at any point to win his way up, he diverges into the mathematical school, and is sent to sea at the age of fifteen, or into the commercial school, and is apprenticed at the same age to some trade or profession. Every one knows what illustrious scholars have come out of the ranks of the "Grecians" of Christ's Hospital, the chief being Coleridge, Charles Lamb, Bishop Middleton, and Mr. Maine, the author of *Ancient Law*. But the majority of boys admitted to a school of the kind are not the least qualified by nature to distinguish themselves as scholars. Their gifts lie in another direction; and it is the merit of the graded system of Christ's Hospital that it constantly sifts the boys, and sends off those who cannot pass the finer tests, into practical pursuits, with useful instruction thereto appertaining.

Why should not Heriot's School have followed its prototype in this respect, and have become within itself a graded institution? Its nine affiliated schools gave the basis for commencing this very arrangement. But the Governors have shut these nine schools, like pariahs, outside their gates. It would have been natural to draft in boys showing great merit and promise from these schools into the hospital, and indeed, to fill up the hospital in this way alone, just as all the boys admitted into Christ's Hospital in London go first to the

Branch Hospital in Hertford, and are drafted thence. But the nine schools attached in name to Heriot's have no connection with the hospital itself. The Governors have simply thrown a sum of money as a largess into the streets, instead of drawing the population within the pale and the influence of the hospital. The nine schools have done good in their way, but they should now be improved—1*st*, By the exaction, except in very remarkable cases, of a fee, however small; 2*d*, By organisation of instruction, by means of standards analogous to those of the revised code; 3*d*, By a constant drafting of really superior pupils into a higher school within the walls of the hospital itself. And from the hospital a certain number of the *élite* should be drafted at the age of fifteen into the Fettes College, the High School, or the Academy, thence to be transferred, after two years, with adequate bursaries, to the University.

So much for the graded system, as applied merely to one of the great hospitals of Edinburgh. But it surely ought to be applied to all of them, not only within themselves, but in relation to each other. Mr. Forster's principle ought surely to be attended to, and duplicates avoided, wherever one institution is sufficient for the performance of any particular function. But, it may be asked, how can this principle be carried out without some commission, or central board, to arbitrate in the matter? The answer that occurs to us is, that the managing bodies might form their own commission or central board.

At all events, there is nothing absolutely impossible or absurd in the idea, that the different managing bodies might, at the present juncture, organise a conference upon this important question. Each body might appoint its delegates, who should be instructed to confer with the delegates of the other Edinburgh hospitals, and to draw up in council with them a scheme in which the function of each hospital should

be broadly defined. If any general scheme of this kind were once accepted by the separate governing bodies, the duties of the conference would be at an end, and each separate body of trustees would be left to carry out its own part in the scheme at its own responsibility.

The conference of trustees would naturally propose to themselves for discussion, exactly those general questions of policy which a Royal Commission would be certain to deal with, such as the following :—

1*st*, Does not experience suggest that the "monastic," or asylum, system of boarding children within the hospitals should now, for the sake of the children themselves, be totally abolished, being superseded partly by exhibitions and bursaries, partly by the system of billeting, under due supervision, in poor but respectable families? Many governors of hospitals already go the length of saying that they would only keep up boarding establishments for the sake of orphans. But the working of the Poor-Law system rather suggests that orphans are especially benefited by being billeted on families, in which they often strike root as it were, and make new friends for themselves by gaining the affections of those with whom they are placed. Why should orphans be particularly selected to be mewed up, and made more soft, dull, and helpless than others, as they must necessarily be by the monastic system?

2*d*, Should not the grounds of eligibility for admission to hospitals be reconsidered? At present we find them stated as follows :—

To Heriot's Hospital are admissible sons of Edinburgh burgesses.

To George Watson's Hospital, sons or grandsons of merchants, burgesses, or guild-brothers.

To John Watson's, fatherless children of respectable parents.

To Donaldson's, poor children, with a preference for the names of Donaldson or Marshall.

To Stewart's, sons of poor but respectable parents in Edinburgh and Leith, preference being given to Stewarts and Macfarlanes.

We see, then, that the third and fourth of the above institutions are open without restriction of locality or parentage; that the fifth has a local restriction to Edinburgh and Leith; and that Heriot's and George Watson's are close foundations in favour of the burgesses and merchants of Edinburgh.

One is always glad to refer Heriot's Hospital to the example of its prototype in London. Christ's Hospital was once close to the freemen of the City of London, but now it is open to all persons, whether connected or not with the city; which fact may afford food for reflection to the governors of Heriot's.

Now, supposing that each of the five great hospitals maintained a feeder for itself in the shape of a large primary school or schools, open to all persons on the payment of a small fee, and that admission to hospital privileges* were obtainable on open competition solely by merit and promise exhibited within the feeding schools, would not a greater benefit be conferred on the community than is conferred by the present close and pauperising system? And we may add, would not local interests be at the same time, to a certain extent, favoured? Would not all those living on the spot have an advantage in the superior facility of sending their children to compete in the feeding schools?

3d, The third great question which a conference of hospital trustees would have to decide, would be the question of the division of labour. This question would best be ap-

* *i.e.* In certain cases to maintenance in the houses of respectable families, and in all cases to instruction in the graded schools of the hospital, with the opportunity of rising to University education and the liberal professions, or, failing this, to a fair start in some trade or employment.

proached by considering beforehand What are the possibilities? It has often been observed that the weak point of public instruction in Scotland is want of organisation, and this proceeds from want of definition. Different grades of instruction —primary, secondary, and higher—are run together and confused, and the result has been that secondary and higher instruction have suffered. In the present case, hospital trustees would do well to begin with a little definition for the sake of clearness.

The different kinds of instruction possible to be supported from hospital funds may perhaps be enumerated as follows:—

(1) Ragged School or Reformatory; (2) Primary, up to say the third standard of the Revised Code; (3) Superior Primary, including geography and history, and the elements of Latin; (4) and (5) Lower Secondary, being the first part (from ten to fourteen years of age) either of a classical or of a commercial education, and being thus divisible into (4) Lower Classical, and (5) Lower Commercial; (6) Trade or Technical (from ten to fourteen or fifteen years of age), thus running parallel to Lower Secondary; (7) and (8) Superior Secondary, being either (7) High Classical, in immediate preparation for the University, or (8) High Commercial, to be afterwards described.

By taking this or some other classification of the grades and departments of school teaching, hospital trustees might see their way more definitely in fixing their future course. Many persons are of opinion that (1) Ragged Schools would be a fitting object for the expenditure of some of the hospital funds. Of the importance of such schools no one can doubt. Edinburgh is fairly furnished with them already; but if on inquiry it appears that a supplementary institution of the kind is still required, then an assignment of £1500 or £2000 a-year from the funds of some one hospital for this purpose would probably suffice. A Ragged or Industrial School might be set up, bearing the name of the founder from whose "morti-

fication" the funds were drawn (perhaps John Watson's, as the most appropriate); and such a school would surely, both as a boon to the city and as a benefit to individual poor, be well worthy of the benevolent, though often vague,* intentions of hospital founders.

Lower Primary Education (2) would naturally be provided for separately by each hospital, if the suggestion above made were adopted, and feeding schools of this grade were established, from which admission to the superior benefits of the hospitals would be attainable by merit alone. The organisation of such schools would be a simple matter, and would be left for the managing bodies severally to carry out.

Lower Primary Education being completed outside the hospital walls, picked children would be admitted from the feeding schools, in some cases to a maintenance in respectable families, and in all cases to one or more of the grades of instruction enumerated, within the hospital buildings, which would now perhaps be entirely devoted to teaching, and not to boarding purposes. Probably all the hospitals would agree in keeping up within their walls a class or school in (3) Superior Primary Instruction. And from these classes or schools the pupils would be drafted off, according to their respective abilities, circumstances, and inclinations, into schools in (4) Lower Classical, (5) Lower Commercial, and (6) Trade or Technical Education.

* In the year 1759, John Watson, writer to the Signet, bequeathed the residue of his estate to certain trustees, by them to be applied "to such pious and charitable uses within the city of Edinburgh as they shall think proper." By a deed, dated 1764, they destined the revenue of the property to "the pious and charitable purpose of preventing child-murder, by an hospital within the city of Edinburgh *for receiving secretly infant children, and bringing them up to be useful members of society, and by receiving privately women big with child, and assisting them in their delivery, so as to conceal their shame, and taking care of their children as foundlings.*" From doubts of the expediency of such an Institution, the terms of the deed were never carried out, and in 1822 an Act of Parliament was obtained empowering the trustees to establish an hospital for the maintenance and education of destitute children.

At this point, then, the division of labour between different hospitals would first commence. It would be against the laws of economy to have duplicates, within so limited an area, of special schools, which by hypothesis would be intended only for picked pupils. The main business of allotting separate functions, and of arranging terms of co-operation, would now begin for the Hospital Trustees' Conference. They would have to consider the conditions of some mutual arrangement by which picked pupils from the Superior Primary class in one hospital might be admitted into the Special School in another hospital. Afterwards the branches or departments of instruction would be distributed.

Probably some one hospital (shall we say Daniel Stewart's?) would be able sufficiently to provide for (4) Lower Classical Education; the best pupils under which would be drafted off, at the age of fourteen or fifteen, to (7) Higher Classical, and the remainder would be sent out into situations such as at present fall to the lot of hospital boys in general.

But it would remain a question for the Conference whether (7) Higher Classical instruction should be undertaken by any one of the five hospitals under discussion, or whether this department should not rather be left to the Fettes College, the High School, and the Edinburgh Academy, to either of which the *élite* of the hospital boys might be sent, with exhibitions, for a couple of years, preparatory to proceeding, at the age of sixteen or seventeen, with bursaries, to the University.

By the exhaustive process, there remain to be dealt with only (5) Lower Commercial, (6) Trade or Technical, and (8) High Commercial instruction.

In order to show what is meant by Lower and Higher Commercial Education, we may quote from the *Report of the French Commission on Technical Instruction* (translated), 1868, the following passage:—

> Notwithstanding the existence in Paris of the Superior School of Commerce, and the laudable efforts which have been made,

either in Paris under the influence of the Chamber of Commerce, or at Lyons, or in any other important centres of trade, commercial education is not sufficiently developed in France. It is most desirable that this education should be more widely diffused, and that it should be constituted a special subject.

In order to adapt it to the different social positions of the youths who devote themselves to trade, commercial education should be given in two degrees—one elementary, the other superior.

The elementary instruction should comprise—

Caligraphy.	The Knowledge of Raw Materials and Manufactured Products.
Arithmetic.	The French Language.
Commercial Geography.	Commercial Correspondence.
Merchants' Accounts.	
Book-keeping.	

The superior instruction, besides the preceding subjects, should include—

Living Languages.	The Comparative Prices of Purchase, Conveyance, Manufacture, and Sale.
Commercial Law.	Banking, Exchange, Transactions on Account.
The Principles of Political Economy.	The Custom Tariffs of France and Foreign Countries.
Commercial History.	
Commercial Literature and Correspondence.	

Now, if for "the French language" in the above scheme of elementary instruction we substitute the words "the English language, including easy literature," and for "the custom-tariffs of France" write "of England," we shall have a draft outline (merely suggestive, it is true, and requiring much modification) for two grades of commercial schools, the one for boys from ten to fifteen years of age, the other, a smaller school for picked boys out of the former, from fifteen to seventeen years of age. The function of a great "Elementary Commercial" school might be devolved, say on Heriot's Hospital, and that of maintaining a smaller school of "High Commercial" instruction might fall, not inappropriately, on George Watson's. There now only would remain to be dealt

with, (6) Trade or Technical Education, of which we may best give an idea by transcribing the following prospectus of the Bristol Diocesan Trade School :—

"The design of this school is to prepare boys for apprenticeship to the engineering, building, and manufacturing trades, by supplementing the work of the elementary school with instruction in practical mathematics, and physical science in its application to trade. But while these higher subjects are taught, those which are more elementary receive a careful attention. The studies which form the school routine are :—Writing and book-keeping, the English language, arithmetic and algebra, geometry and mensuration; free-hand, mechanical, and architectural drawing; and the application of mechanics, physical science, and chemistry.

"The following table will give an idea of the teaching in the upper division of the school :—

	10 to 10½.	10½ to 11½.	11½ to 12.	12 to 1.	1½ to 2½.	2½ to 3½.
Monday .	Scripture.	English.	Euclid.	Inorganic Chemistry.	Descriptive Geometry.	Theoretical Mechanics.
Tuesday .	Ditto.	Ditto.	Algebra.	Organic Chemistry.	Machine Drawing.	Applied Mechanics.
Wednesday.	Ditto.	Ditto.	Mensuration.	Inorganic Chemistry.	Architectural Drawing.	Experimental Physics.
Thursday .	Ditto.	Ditto.	Euclid.	Organic Chemistry.	Descriptive Geometry.	Applied Mechanics.
Friday . .	Ditto.	Ditto.	Algebra.	Inorganic Chemistry.	Machine Drawing.	Theoretical Mechanics.

Of course this prospectus merely gives a specimen, indicating the sort of teaching in a trade school, the particular features of which could always be modified so as to suit local requirements. A great trade school, on a carefully considered plan in direct reference to the chief industries of Scotland, would be a worthy application of the chief part of the revenues and of the palatial buildings of Donaldson's Hospital.* It is reported of the Bristol Trades' School that

* Donaldson's Hospital has, for some time past, contained within its walls

"In order to extend still further the benefits of instruction in science, and to give the old pupils an opportunity of keeping up their knowledge after they have left school, the masters have established evening classes, of which the following is the programme :—

Chemistry - -	Tuesdays and Thursdays	8 till 9
Physical Science -	Tuesdays and Thursdays	7 „ 8
Geometrical Drawing	Tuesdays - -	7 „ 8
Machine Drawing -	Tuesdays - -	8 „ 9
Architectural Drawing	Fridays - - -	8 „ 9
Free-hand Drawing -	Thursdays - -	7 „ 8
Model Drawing -	Thursdays - -	8 „ 9
Mathematics -	Mondays and Fridays	7 „ 9
French, Elementary	Mondays and Thursdays	7 „ 8
French, Advanced -	Mondays and Thursdays	8 „ 9
French, Middle Class	Tuesdays and Fridays	7 „ 8

This plan of "evening classes" might be appropriately imitated in an institution such as Donaldson's Hospital might be made, and by this addition it would tend to become not only a technical school for apprentices, but also, to some extent, a "people's college" for the working classes of Edinburgh.

We have indicated, in the broadest outline, the sort of scheme which might be jointly agreed on by the trustees of the five great hospitals of Edinburgh. The result would come out somewhat as follows :—

John Watson's Hospital to support a Primary Feeding School, and a superior Primary School with a claim for the

a department for the maintenance and education of pauper deaf-mutes. Such an asylum was not contemplated by the founder, but was introduced by the Governors under the very wide terms of Donaldson's will. A portion of the Governors are now favourable to the idea of extending the deaf-mute department, and of turning the Hospital entirely into a great Deaf and Dumb Asylum. The objections to this plan are—1*st*. That such an institution is hardly wanted, as the other towns of Scotland have asylums of the kind. 2*d*. That, were the plan adopted, Donaldson's Hospital would be deprived of the conspicuous position which it might otherwise hold in the organisation of Public Instruction.

admission of its picked pupils to the Classical, Trade, or Commercial Schools of the other hospitals; also to support a Ragged or Industrial School, if such an institution be thought necessary; also to set apart a certain sum for billet-allowances, exhibitions, and bursaries open to competition.

Stewart's Hospital to support a Primary Feeding School, a Superior Primary School, and a Lower Classical School open to picked boys from all the hospitals; also to set apart billet-allowances, exhibitions, and bursaries.

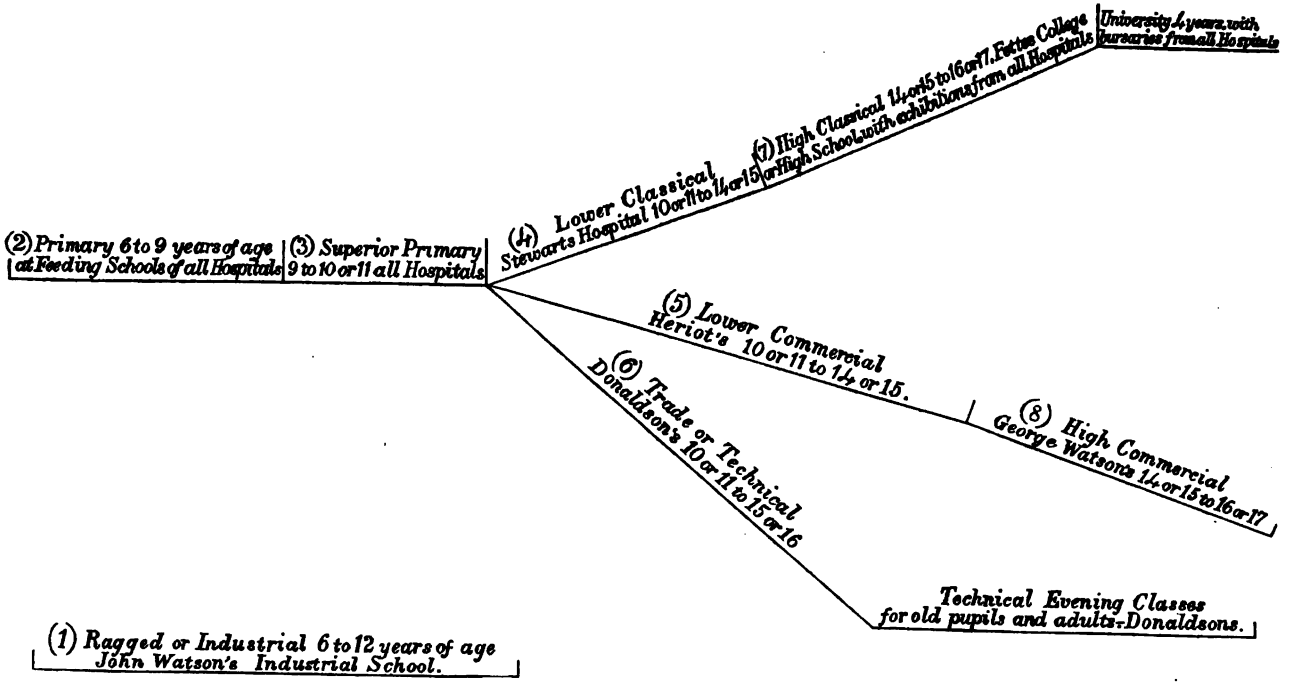
Heriot's Hospital to maintain its present nine Primary schools, but to reorganise these so as to be feeders to the hospital; also a Superior Primary School, and a great Elementary Commercial School, within its walls; also to set apart billet-allowances, exhibitions, and bursaries, and sums to assist meritorious boys entering different branches of trade or commerce.

George Watson's Hospital to maintain a Primary Feeding School, a Superior Primary School, and a High Commercial School for picked boys from Heriot's Elementary Commercial School; also to set apart billet-allowances, exhibitions, bursaries, and allowances for outfit.

Donaldson's Hospital to maintain a Primary Feeding School, a Superior Primary School, and a great Trade School, with the addition of evening classes for old pupils and adults; also to set apart billet-allowances, exhibitions, bursaries, and apprentice-fees for meritorious students.

We suppose all the hospitals to agree in the one point of abandoning the monastic system, and of substituting for it a system of maintenance, allowances, exhibitions, and bursaries. By this course, the hospital revenues would be immensely economised, while the evils of a vicious system of charity would be removed.

The following diagram indicates a division of subjects of instruction between the five great hospitals of Edinburgh, when graded in relation to one another :—


(1) Ragged or Industrial 6 to 12 years of age
John Watson's Industrial School.
(2) Primary 6 to 9 years of age
at Feeding Schools of all Hospitals
(3) Superior Primary
9 to 10 or 11 all Hospitals
(4) Lower Classical
Stewarts Hospital 10 or 11 to 14 or 15
(5) Lower Commercial
Heriot's 10 or 11 to 14 or 15.
(6) Trade or Technical
Donaldson's 10 or 11 to 15 or 16
(7) High Classical 14 or 15 to 16 or 17. Fettes College
or High School with exhibitions from all Hospitals
University 4 years with
bursaries from all Hospitals
(8) High Commercial
George Watson's 14 or 15 to 16 or 17
Technical Evening Classes
for old pupils and adults Donaldsons.

Before leaving, however, the above suggestions to the consideration of trustees, it may, perhaps, be well to anticipate as far as possible two *prima facie* objections which might be urged against them—namely, *First*, that founders' intentions have been throughout disregarded; *Second*, that it would be absurd, or undesirable, to institute anything like competition among children of tender age at a primary school. To these objections we would answer, first, confidently, that the founders of Edinburgh "hospitals," had remarkably general and undefined purposes of doing good, and that a scheme like that suggested would not be in any point at variance with the spirit of their bequests; second, that by *competition* in the feeding schools, we only mean that the masters of those schools should send up the most promising pupils (they might be all the upper classes) annually, to the superior primary schools within the hospitals, and from these latter schools boys would be selected, according to their abilities, between the ages of nine and eleven, for training in classical, commercial, or technical education. By "competition," then, we do not mean anything like the examination for an Indian civil service appointment, but only that the masters should pick out the boys most likely to benefit by instruction in particular branches.

But the whole scheme is not given as anything cut and dried, but merely as a specimen of the sort of co-ordinate arrangement which the hospital trustees of Edinburgh might aim at. These trustees have performed notable achievements as husbanders and investors of funds, as builders of stately edifices, and as beautifiers of their city. But it must be confessed that as educationists they have hitherto failed. It is to this part of their duty—the turning to educational account the funds which they have so well kept and augmented—that they must now address themselves. They will do so with every facility afforded them by the Legislature, but they will

need to employ greater versatility of mind, and more of the ideas belonging to the modern science of education, than they have hitherto exhibited.

The Endowed Institutions (Scotland) Act has reference to many other "hospitals" and schools besides those in and near Edinburgh. Such are Gordon's Hospital at Aberdeen, Hutcheson's in Glasgow, Morgan's in Dundee, the endowed schools in Dollar, Fochabers, St. Andrews, Newton-Stewart, and others. Our space does not admit of these being treated of in detail. They do not afford an opportunity for a federated system, so conspicuously possible in the case of the Edinburgh hospitals. But Mr. Forster's principles are still applicable to them severally, and should be applied.

Scotland has long made a proud boast of being superior to England in the education of her lower orders. Every one knows Lord Macaulay's panegyric on this head. Perhaps the testimony of M. Biot, the celebrated French physicist, who resided for some time in Scotland, may not be equally well known.

"The results of education," said M. Biot, "are such that they strike with astonishment those who observe them for the first time. A people divided by fierce civil wars, a prey to a host of different religious fanaticisms, imbued with gross superstitions, has been metamorphosed into a united, moral, religious, tolerant, and enlightened nation. The Scotch, poor, and inhabiting a country by no means fertile, have risen by their education and civilisation to the level of, and, if the lower orders are considered, have surpassed a nation which is regarded as one of the most enlightened on the face of the earth. They have rivalled it in trade, equalled it in manufactures, and surpassed it in agriculture. Wherever a Scotchman goes, the education he has received in the parish schools gives his mind a peculiar power of observation, and enables him to extend his view far beyond the range of objects which occupy the attention of persons of the same social status who have not been so educated."

These were brave words, and doubtless well merited. But a few years hence the question will be, "Stands Scotland where it did?" in educational pre-eminence. Just now Scotland and England seem playing the parts of the hare and the tortoise. The hare is fast asleep, dreaming of her own speed. The tortoise is moving on. In England they have got the Endowed Schools Act, and the League is agitating in every large town for national education. Scotland, in the meantime, allows the reform of her burgh schools to be postponed to the settlement of primary education, and, through apathy or ecclesiastical dissension, she lets every bill for primary education be shipwrecked in Parliament. She has allowed herself to be put off with a mere permissive Act for the improvement of her endowed institutions; and it remains to be seen whether she is going to demand any real results from the powers given by that Act, or not.

A. G.

THE GRAPHIC REPRESENTATION OF THE LAWS OF SUPPLY AND DEMAND, AND THEIR APPLICATION TO LABOUR.

PART I.

Graphic Representation of the Laws of Supply and Demand.

Recent discussions on the laws determining the price of commodities seem to show that these laws are neither so well understood nor so clearly expressed in the writings of economists as is sometimes supposed. Men are too much in the habit of speaking of the laws of political economy, without attaching to the word law the same rigid meaning which it bears in physical sciences. There are, however, some truths concerning the subjects treated by the economist which do deserve the name of laws, and admit of being stated as accurately, and defined in the same manner, as any mathematical laws affecting quantities of any description.

The following essay is an attempt to state in this rigorous manner some propositions concerning the market price of commodities, using what is known as the graphic method of curves to illustrate the laws and propositions as they arise.

First, I will consider what determines the price of a commodity at a given time in a given market, and it is unfortunately necessary for this purpose to define the sense in which some words will be used.

The *whole supply* of an article will be taken to mean the whole *quantity* of the article for sale there and then. Supply is in this sense mensurable, and can be expressed in tons,

quarters, etc. *Supply at a price* denotes the *quantity* which at a given price holders would be, then and there, willing to sell. Supply at a price is also mensurable. *Demand at a price* denotes the *quantity* which, then and there, buyers would purchase at that price.

The *supply at a price* and the *demand at a price* in any given market will probably vary with the price; they may be said to be functions of the price.

Let a curve be drawn, the abscissæ of which represent prices, and the ordinates the supplies at each price. This curve will be called the *supply curve.* A similar curve, constructed with the *demand at* each price as ordinates, will be called the *demand curve.*

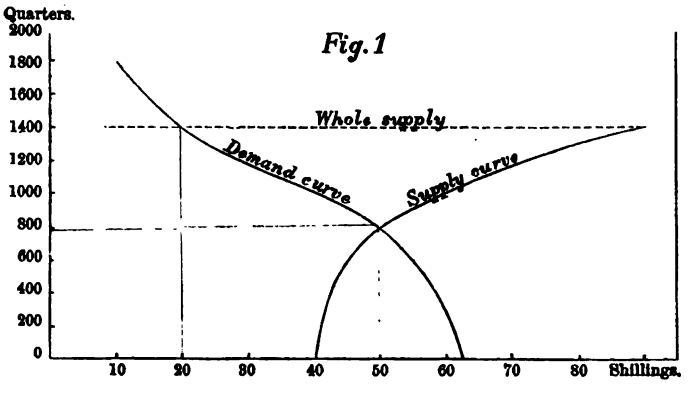


FIG. 1.—First Law of Supply and Demand.
Whole supply for sale at any price, 1400 quarters of wheat.
Price at which whole supply would be sold, 90s.
Price at which whole supply would be bought, 20s.
Market price, 50s.
Price below which no sale could take place, 40s.
Price above which no sale could take place, 62s.
Quantity which will be sold, 800 quarters.

Fig. 1 shows a pair of imaginary demand and supply curves for corn. At 60s. per quarter, the supply is 1000 quarters; at 55s. the supply is 900 quarters; at 50s. only 800 quarters; at 45s. only 600 quarters; at 40s. the supply is nil.

At 62s. the demand is nil; at 55s. only 600 quarters; at

50s. it is 800 quarters; at 45s. 900 quarters; at 40s. 1000 quarters; and continues to rise fast at lower prices.

The first law of demand and supply may now be stated as follows:—

PROP. 1. *In a given market, at a given time, the market price of the commodity will be that at which the supply and demand curves cut.*

This price is the price at which the supply and demand are equal.

Corollary A.—At this price a greater quantity of the commodity will change hands than at any other price.

In practice, the supply and demand curves are unknown, but the price at which supply and demand are equal is ascertained approximately by competition in this wise—

If some sellers offer their wares below the theoretical price, so many buyers present themselves, that the other sellers, not being afraid of having goods left on their hands, raise the price.

If some sellers begin by offering their wares above the theoretical price, so few buyers present themselves, that others, fearing to have their goods left on their hands, undersell them.

If some buyers offer less than the theoretical price, so few sellers are found that the same or other buyers raise their offers.

If some buyers offer more than the theoretical price, so many sellers are found that the other buyers reduce their offers.

The same effect is produced whether the buyers bid or sellers proffer first. The excess or defect of the supply over the demand at a price is inferred from the briskness of the sales, and is independent of the particular form in which transactions may take place.

Thus the market price, as determined by the first law of supply and demand, is ascertained by competition.

The law thus stated assumes that each man knows his own mind, that is to say, how much of his commodity he will

then and there sell or buy at each price, and that the condition of his mind shall not vary.

If this be granted, then the market price will not be changed by the sales. The base line, as each quarter of wheat is sold, will then in our figure gradually ascend, until, when 800 quarters have been sold, it will have reached the position shown in Fig. 2, when no further sales will take place, but

Fig. 2

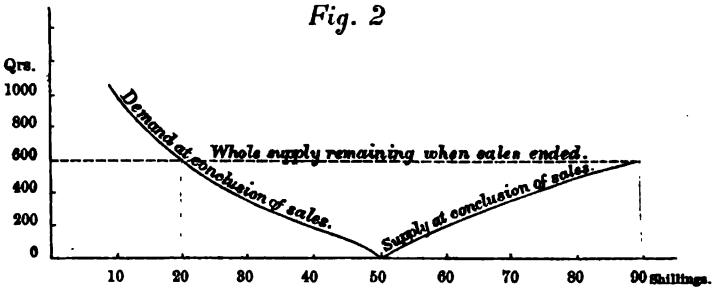


FIG. 2.—Demand and Supply Curves after completion of sales indicated in Fig. 1, without change of market price.

Whole supply at any price, 600 quarters.
Price at which whole supply would be sold, 90s.
Price at which whole supply would be bought, 20s.
Market price, 50s.
Price below which no sale would take place, 50s.
Price above which no sale can take place, 50s.
Quantity which will be sold—*nil*.

the market price will, as before, be 50s., any increase finding sellers, any decrease buyers.

If every man were openly to write down beforehand exactly what he would sell or buy at each price, the market price might be computed immediately, and the transactions be then and there closed.

The actual price at which each quarter is sold will be a mere tentative approximation to the theoretical price. Bargainers all day long will be watching the market, to ascertain whether a given price is above or below that at which the quantity to be bought and sold will be equal.

But, in practice, men's minds do not remain constant for five minutes together, and we have found that only one point

in the supply curve, viz. the highest, is independent of men's minds. The supply curve can never rise above the *whole supply*,* but under this height it may vary almost indefinitely.

Similarly, the demand curve has a limit, which in this case is a limit at each price. The funds available for purchase at any price are limited, and this, which may be called the purchase fund, at each price limits the possible demand; but below this continuous limit the demand curve may in its turn vary indefinitely; and thus, while the whole supply in the market may be constant, and the funds available to support demand may be constant, yet the market price of the commodity may vary immensely, as men's minds vary.

Assuming the two limits to be fixed and constant, the following additional corollaries flow from the first law :—

B. If the supply at a price increases at prices near the

Fig. 3

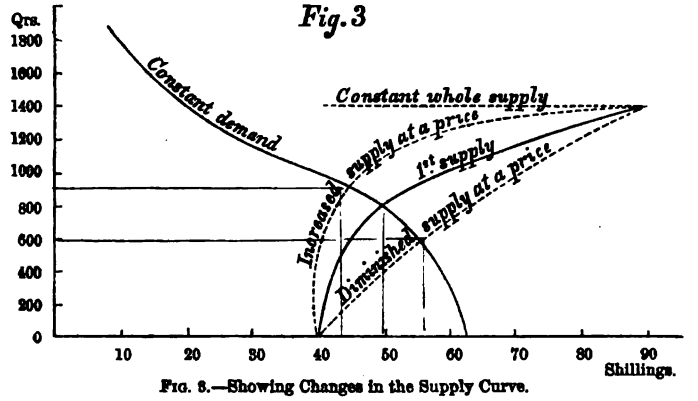


FIG. 3.—Showing Changes in the Supply Curve.

If the supply curve rise to the upper dotted line the market price will fall to 45s., and 900 quarters of wheat will change hands, instead of 800 as in Fig. 1.

If the supply curve fall as shown by the lower dotted line the market price will rise to 55s., but only 600 quarters be sold.

The whole supply, the price at which all would be sold or none sold, all bought or none bought, may all remain unaltered, as well as the demand curve. In practice some or all of these elements would generally vary when the supply curve varies.

market price, as shown in the upper dotted line (Fig. 3), prices fall, and more is sold.

* Except in those cases where men sell what they have not got, trusting that before the time for delivery they may be able to secure a supply.

C. If the demand at a price increases at prices near the market price, as shown in the upper dotted line (Fig. 4), prices rise, and more is sold.

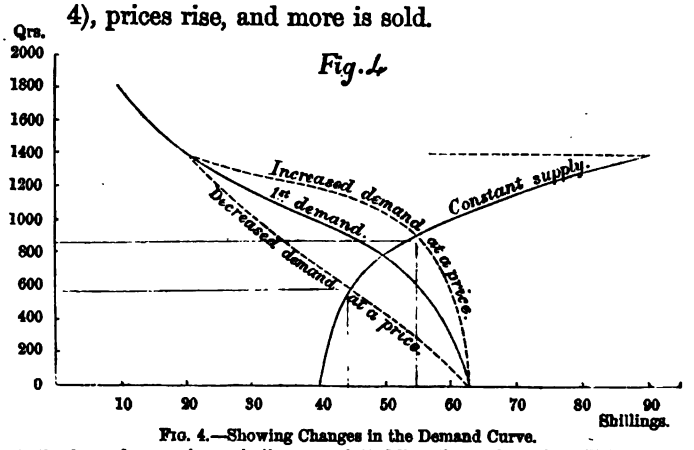


FIG. 4.—Showing Changes in the Demand Curve.

If the demand curve rise, as in the upper dotted line, the market price will be 55s., and the quantity sold be 900 quarters.

If the demand curve fall, as in the lower dotted line, the price will fall to 45s., and the quantity sold to 600 quarters.

As in Fig. 3, the whole supply, the price at which all would be sold or none sold, all bought or none bought, is left unaltered, as well as the supply curve.

In practice some or all of these elements would generally vary when the demand curve varies.

D. If the supply at a price decreases at prices near the market price, as shown in the lower dotted line (Fig. 3), prices rise, and less is sold.

E. If the demand at a price decreases at prices near the market price, as shown in the lower dotted curve (Fig. 4), prices fall, and less is sold.

F. It is possible that both the demand at a price and supply at a price may increase simultaneously, so that the price shall be unaltered, while more of the commodity is bought and sold, or less of the commodity may change hands with an unaltered price, demand and supply decreasing simultaneously.

These effects, and combinations of these effects, may occur, while the whole supply and purchase funds are both constant, nevertheless at each moment the first law of demand and supply holds good.

Let us next consider what will happen if the whole supply or whole purchase fund vary.

PROP. 2. *If the whole supply be increased, it will most frequently, but not always, happen that the supply at a price will, throughout the whole scale, be increased; prices will then fall, as shown in Fig.* 5.

If the purchase fund be increased it will often happen that the demand at a price will rise throughout the whole scale; prices will then rise, as shown in Fig. 6.

These two statements, which, for convenience, may be spoken of as the second law of demand and supply, are frequently confounded with the first law, from which they are wholly distinct. They are not laws in a strict sense, but express a degree of probability, varying immensely in different

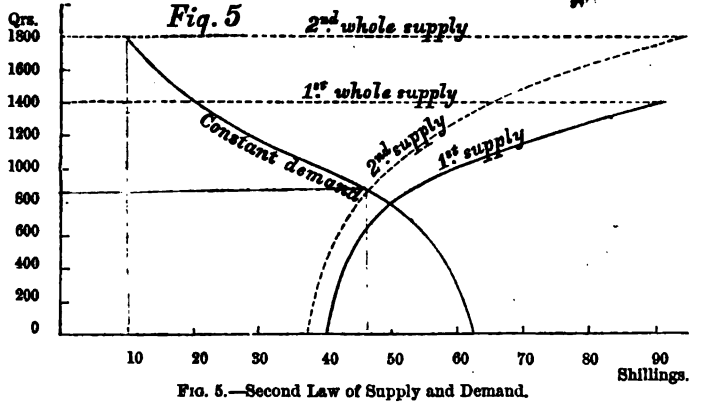


FIG. 5.—Second Law of Supply and Demand.

Fig. 5 shows probable effect of increase in the whole supply.
The dotted line on right shows probable effect of increasing the whole supply to 1800 quarters.
Price at which whole supply would be sold rises to 95s.
The price at which the whole supply would be bought falls to 10s.
The market price falls to 47s.
The price below which no sale could take place falls to 38s.
The price above which no sale could take place may remain unaltered.
The quantity which will be sold rises to 870 quarters.

cases, and with different materials. I will now apply these laws to some of the current controversies.

Fig. 6.

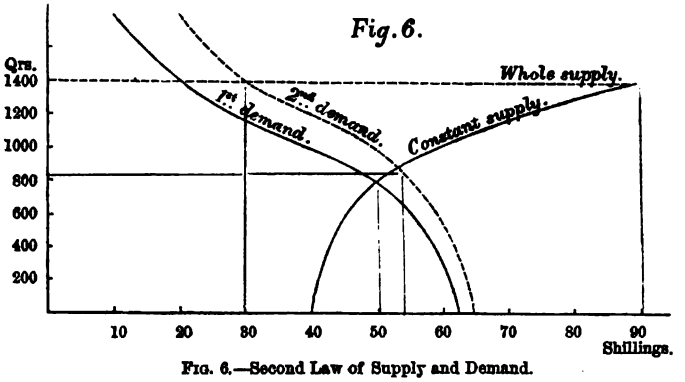


FIG. 6.—Second Law of Supply and Demand.

Fig. 6 shows probable effect of an increase in the purchase fund.
The dotted demand line shows the probable effect of increasing the purchase fund.
The price at which the whole supply would be sold may be unaltered.
The price at which the whole supply would be bought rises to 30s.
The market price rises to 53s.
The price below which no sale would be effected may remain unaltered.
The price above which no sale would take place rises to 65s.
The quantity which will be sold rises to 850.

It has lately been suggested that the manner of conducting bargains will alter the market price of the commodity; that, in fact, open market, an auction, and a Dutch auction, might produce three different market prices. The peculiarity of an auction is that the supply is constant at all prices, down to a limit which is the reserved price, and which may be absolutely nil. Then the supply at each price is equal at all prices to the whole supply, and it is the competition among buyers alone which keeps the price above zero. This state of things is shown in Fig. 7, where the supply curve has become a straight line parallel to the base line. Fig. 8 represents the supply and demand curves at an auction, with a reserved price at 25s.

Except in the shape of the supply curve, which is here always known, these figures do not differ from the typical Fig. 1. And the market price here, as before, is that at which the supply and demand curves cut.

This point is ascertained in auctions by the competition of

buyers alone, whereas in open market sellers as well as buyers compete.

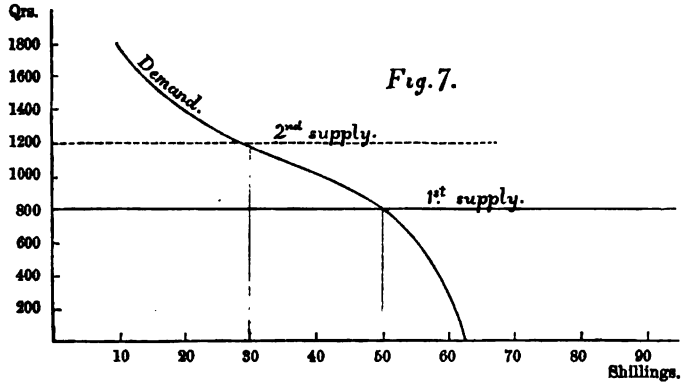


FIG. 7.—Showing effect of selling 800 quarters unreservedly by auction, the Demand Curve being constant, as in Fig. 1.

The supply curve becomes a straight horizontal line.
The market price will be 50s.
If 1200 quarters were to be sold unreservedly, the market price would be 30s.
If only 200 quarters, the market price would be 61s.

In both forms of auction buyers judge whether at a given price the demand is above or below the supply, partly by the

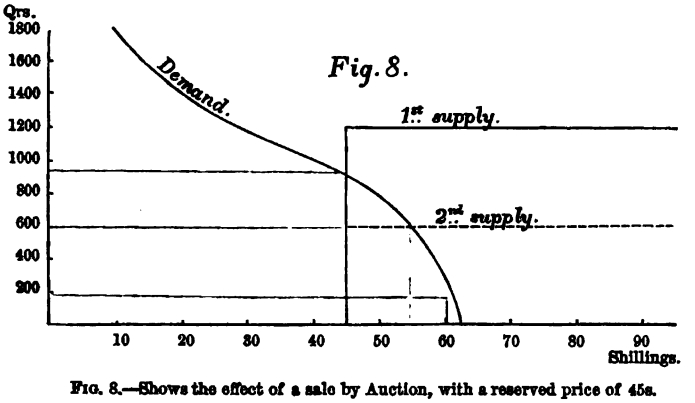


FIG. 8.—Shows the effect of a sale by Auction, with a reserved price of 45s.

If 1200 quarters are offered for sale, only 900 will be sold, and the price will be the minimum of 45s.

If 600 quarters are offered for sale, they will all be sold, and the price be 55s.

quickness of the bids, and partly by their former experience and general knowledge.

In a Dutch auction buyers are as likely at first tentatively to let the seller offer below the market price as to close with him above that price.

In an English auction, buyers are as likely at first to run up above the market price as to stop bidding below it.

It is only by experience of former markets, and a considerable number of tentative transactions, that the theoretical price is approached.

The device by which Mr. Thornton has made it appear that in a Dutch and English auction there might be two market prices, is to assume that the demand at prices in the

Fig. 9.

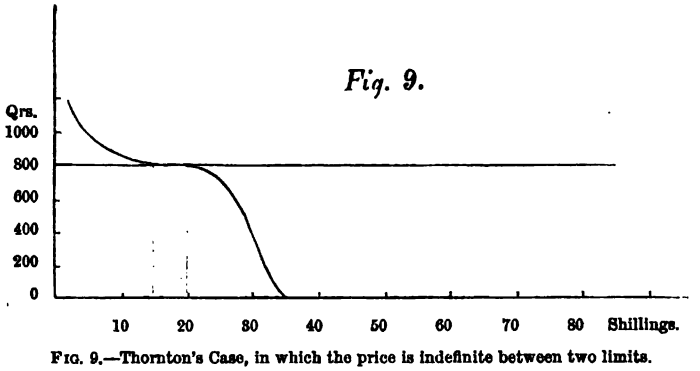


FIG. 9.—Thornton's Case, in which the price is indefinite between two limits.
The supply at an auction, unreserved, is 800 quarters.
There is a demand for exactly 800 at 15s., 20s., and all intermediate prices.
The supply and demand curves coincide between 15s. and 20s., and the market price is not defined within those limits.

neighbourhood of the market price is constant at all prices; that the same number, and no more, fish would be bought at 18s. as at 20s. In this case the demand curve becomes horizontal near the market price; and as the supply curve is also horizontal, the market price is indeterminate. This case is not peculiar to any form of bargain, but represents an unusual state of mind. It is shown in Fig. 9.

Where only a small number of transactions take place, there can, in the above sense, be no theoretical market price; thus, with one buyer and seller of one thing, the demand and

supply curve become two straight lines, ending abruptly, as in Fig. 10.

If the supply line overlaps the demand line, the sale will

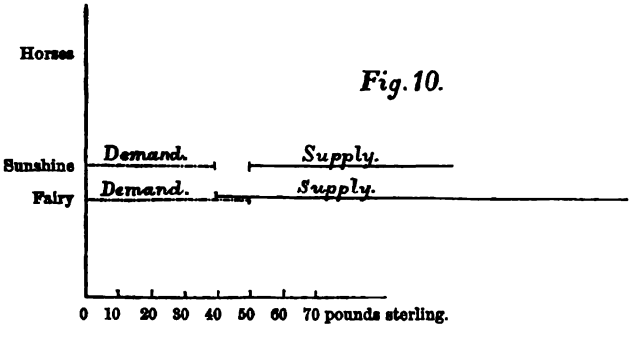


FIG. 10.—Sales of one article by one man to another.

A owns the horse Sunshine, he will sell it at any price above £50. *B* will buy that horse at any price below £40.

The demand and supply curves are two straight lines which do not overlap.

C owns the mare Fairy, which he will sell at any price above £40. *D* will buy the mare Fairy at any price below £50.

The demand and supply lines overlap, and the price is indeterminate, depending on the relative skill of the two persons in bargaining.

take place, and not otherwise; but the price is indeterminate. This is true whether the sale be by private bargain, by Dutch or by English auction.

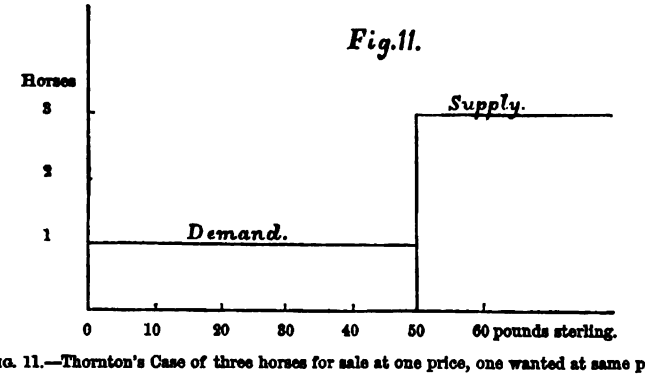


FIG. 11.—Thornton's Case of three horses for sale at one price, one wanted at same price.

Price determinate and also quantity sold, by intersection of demand with supply curve, which indicates 3, *or any smaller number*, for sale at £50 or any higher price.

Fig. 11 shows Mr. Thornton's case of three horses, or

any less number, for sale at £50 each, and one purchaser at £50. The curves indicate plainly enough the fact that the sale of one horse is possible. The quantity sold is not equal to the quantity bought, but it is more nearly equal than at any other price.

We are now able to see precisely in what sense and in what cases the first law of demand and supply may be said to fix prices in a market. This law only selects one among many possible prices already determined in the minds of sellers and buyers; it does not in any case determine, or even change, the price at which any one seller chooses to sell or any one buyer chooses to buy. In other words, the law states that the price will be that corresponding to the intersection of the two curves, but in no way determines what those curves will be. Moreover, the law only comes into operation where buyers and sellers can approximately estimate whether, at a given price, the quantity wanted or the quantity for sale is the greater. Competition in open market, or at any form of auction, is one mode in which this estimate may be formed.

The first and second laws of demand and supply cannot affect those cases where the buyers and sellers have no means of estimating the relation between demand at a price and supply at a price.

Examples of this occur—

1st. In simple transactions between man and man for one object.

2d. When sealed tenders are sent in for the supply of a given aricle.

3d. When shares in a new company are applied for before any market is found for the shares.

In the first case, neither demand nor supply curve can be drawn: the price is that at which the buyer can persuade the seller to part with the article.

In the second case, the supply curve can be drawn, but the demand at a price does not exist, and the demand curve cannot be drawn. The buyer waits till the tenders are opened, choosing the lowest.

In the third case, the supply is fixed, being the whole stock of the company: the supply curve becomes a simple point. The demand is unknown until the applications for shares are opened—being all at one price, the demand curve then becomes a point either above or below a supply point. If above, the shares are allotted, but their price to the applicants is unaffected by the excess of the demand over the supply.

As soon as allotment takes place the market price can be determined; and, in accordance with Law II., if the whole demand at one price has been in excess of the supply at that price, the demand curve at other points in the neighbourhood of that at which the shares were allotted will probably be above the supply curve, and the shares will reach a premium. Rigging the market consists in the artificial production of false supply and demand curves, with the object of deceiving the public as to the market price.

Even where the first and second laws apply, the price selected by the first law, and the change of price resulting from the second law, depend on the state of mind of the buyers and sellers simply, and not on any material quantity, or on any law hitherto stated. The demand curve and supply curve indicate certain resolutions on the part of buyers and sellers; and these curves are therefore variable within certain limits, and do vary with every cause which can affect the desire of men for the article in question. The limits are set by the purchase fund to the demand curve, by the whole supply to the supply curve; but at what price the limit for the supply curve, and at what quantity and price the limit for the demand curve, shall be touched, is wholly within the competence of the buyers and sellers.

The first and second laws of demand and supply therefore afford little help, or no help, in determining what the price of any object will be in the long run. If the supply be limited, as in the case of pictures by an old master, the desire for the article may rise or fall to any extent both on the part of buyers and sellers. The knowledge that only 200 pictures of a given artist exist helps us in no conceivable way to determine what their value will be, nor whether that value will rise or fall. In a given market, on a given day, the elements of the demand and supply curves already exist in the minds of purchasers and sellers, and both laws will apply, but neither law in the least helps to determine the absolute height of either the supply or the demand curve at any one time.

In this case of a limited supply we are thrown back on the truism that the price of the article depends on the desire felt for that article relatively to others; but it is worth while to observe that the price is not fixed by the buyer, but by the holder. No man, by saying I will not give more than 100 guineas for that picture, can make the price 100 guineas. The price at any moment of a similar article cannot be lower than the lowest price which any holder will accept.

The popular adage that the worth of an article is what it will fetch, supposes the holder forced to sell unreservedly; competition of buyers then fixes the price by the first law of demand and supply.

Leaving on one side the case of a limited supply as unapproachable, let us consider the case of an article, the manufacture of which continues, and of which the quantity made depends ultimately on the price obtainable. It is not necessary to suppose that the possible quantity produced should be unlimited, but only that as the price obtainable increases, the supply manufactured can be increased until the supply at a price equals the demand at a price.

In this category fall most manufactured goods. The average demand curve may vary to an indeterminate extent, but the average supply curve will be found in the long run to depend simply on the cost of production; inasmuch as manufacturers rarely desire the article they make for itself, but make it only with the object of selling it.

If in a given market, or series of markets, they find no demand, or an insufficient demand, for their produce, at cost price (including what they think a fair profit), they will cease to produce, or produce only as much as the demand at that price requires. While, if the demand equals or exceeds the supply at a higher price than cost price as above defined, makers will be tempted to produce more, until by the action of the second law the demand and supply at cost price become equal. From these considerations may be deduced the third law of demand and supply, which really does enable us to estimate the probable price of any article, as well as the probable quantity manufactured, and which may be stated as follows :—

PROP. 3. *In the long run, the price of the manufactured article is chiefly determined by the cost of its production, and the quantity manufactured is chiefly determined by the demand at that price.*

The average height of the supply curve, over a number of years, depends on the cost of production alone; but at any moment its position above or below that average depends on the estimate formed by producers whether the actual demand curve is above or below the average, and whether the future demand curve is likely to rise above or fall below the actual demand curve. This uncertain estimate varying day by day according to transactions in the market and the dispositions of holders, determines the departures of the supply curve from the average fixed by cost of production. These de-

partures alone (which may be considerable) are the subject matter of the first and second laws of demand and supply. It is to be observed that this case has one point in common with that where the quantity of an article is limited — viz. the price in the long run is fixed by the holders; the number of transactions or quantity sold, by the buyers. For when we say the average price depends on the cost of production, including a profit to producers, these producers are free to choose what profit they will be content with as a body. This profit may vary, and does vary immensely in different countries, and at different times. Competition at any one time prevents wide divergence from the average rate of profit expected by manufacturers; but what profit is sufficient to induce a man to produce is none the less a mere matter of opinion. Still, over a long range of years the general opinion on this point in a given country can be ascertained, and thus, by the third law, then and there the probable price of an article can be calculated.

The graphic representation of the third law is very similar to that of the first. The ordinates of the demand curve represent the average quantity wanted, say in a year, at the several prices. This curve can only be approximately estimated beforehand from past experience, and is subject to no one general law for all materials. For each material experience may, however, show several points of great importance in the curve; as, for instance, whether the curve be nearly horizontal, the total demand being little affected by price, or whether it is sharply inclined, showing that the demand increases rapidly as price is lowered, and *vice versâ*. Statistics collected over several years might also show whether the general character of the curve was convex or concave to the base, and at what rate approximately the average height of the curve increased year by year. Thus, for many materials, approximately accurate average yearly demand curves might be determined by the collection of statistics.

The ordinates of the average supply curve represent the quantity which will be produced in a year at each price. This curve will also vary for all materials. In some it will have the character of curve 1 in Fig. 12. Terminating almost abruptly at a given price, and shooting very rapidly upwards, so as to be nearly vertical; this characterises the case of articles which, at a given price, can be produced in almost unlimited quantities, there being no material limit to their

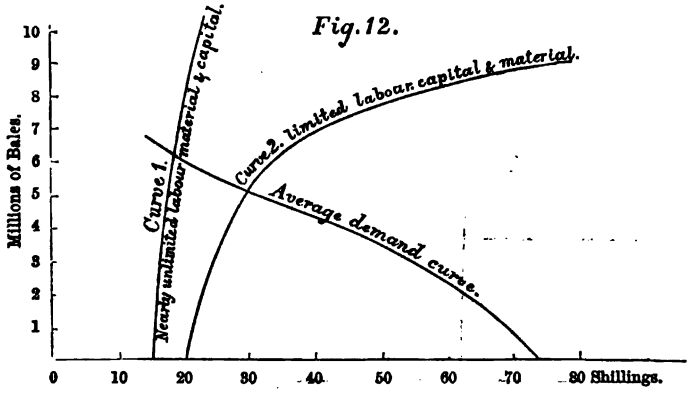


FIG. 12.—Third Law of Supply and Demand.

The ordinates of demand curve are the average yearly quantities of the material required at each price.

The ordinates of the supply curve are the average quantities which at each price would be manufactured if there were sufficient demand to absorb that quantity in the year.

The price corresponding to each point in the supply curve is the cost of production of the article in that quantity, including in the words cost of production, sufficient profit to labour, and capital to induce the production of that quantity.

In other words, the price is the lowest price at which that given quantity will be produced.

production in amounts immensely superior to the demand. Toys, for instance, are articles of this kind, requiring little capital, moderate skill, and common raw materials.

Most supply curves will have the character of curve 2 in Fig. 12. In these the cost of production will gradually increase with the quantity produced, owing to the limitation of labour, of capital, and of raw material.

The cost of production, as it must be understood in the

third law of demand and supply, is obviously no one fixed cost constant for all quantities, and the supply curve determined by the cost of production may vary just as much as the supply curve in a given market at a given time. The cost of production does not mean the cost at which an article can be produced if unlimited numbers of labourers could be found who would be content with given wages, and if capitalists would apply unlimited capital at some fixed rate of profit. The cost of production varies with the quantity to be pro-

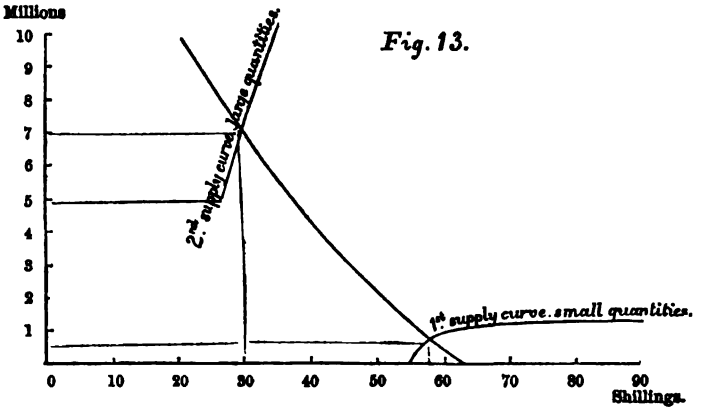


Fig. 13.

FIG. 13.—Article dearer to produce in small quantities than in large.

Articles produced at the rate of less than 1½ millions per annum, cost so much to produce that the quantities indicated by first curve only are produced at each price. Sale 750,000, price 58s.

If made in wholesale quantities exceeding 5 millions, the cost of production is shown by second curve. 7 millions may then be sold at 30s.

The demand curve might have fallen below 5 millions at 27s., when the price will be determined by the first supply curve only; or, while above 5 millions at 27s., the demand curve might fall short of the price of 55s., when the lower price would be alone possible.

duced, because as more is wanted a higher price is generally required to tempt more capital and more labour into the given walk. The ordinates of the supply curve, although therefore truly representing cost of production, ultimately depend greatly on men's will or choice, and may vary and do vary immensely with variations in the quantity required.

Occasionally a commodity may be dearer to produce

in small quantities than in large, and its supply curve may have two branches with two possible prices, as in Fig. 13.

The form and character of the average supply curve for many materials might be determined by statistics with fair approximation.

The intersection of the average supply and average demand curve fixes the probable average price.

Average demand curves will in general approach horizontal lines, and average supply curves will in general approach vertical lines.

Only in the case in which the supply curve is a vertical line at one price is it strictly true that the cost of production determines price without reference to demand; but for all those cases in which the cost of production varies little with the quantity produced, the statement is approximately true. When the average supply curve is a vertical line, it is strictly true that demand has no influence on the average price, but only determines the quantity which will be sold.

These curves then regulate the price of manufactured articles, among which gold and labour may be both included.

In a given market, the price then and there will be that at which the quantity wanted and quantity for sale are equal.

Increase in the whole quantity for sale will generally increase the quantity for sale at all prices, and so lower prices, and *vice versâ*; while increase in the funds applicable to purchase will generally lead to an increase in the demand at all prices, and so will raise prices, and *vice versâ*.

In the long run there is no law by which the probable price of an article limited in quantity can be ascertained.

In the long run the price of any article capable of being manufactured depends mainly on the cost of production; the quantity produced depends mainly on demand, which itself is subject to no law.

The cost of production is fixed by no immutable law, but

depends on the profit (including in this word all forms of advantage) expected by the producer (including in this word the labourer as well as the capitalist).

Enough has now been said to show how much the value of all things depends on simple mental phenomena, and not on laws having mere quantity of materials for their subject.

The application of these laws to wages requires much care. The difficulty here will be found in determining the meaning of cost of production as applied to human beings, and in ascertaining how far the production of human beings is determined by the same or similar motives to those which regulate the supply of other produce. The first and second laws of demand and supply find their application in limited districts and for short periods, but these are of infinitely small importance compared with the third law, in which we must seek the solution of that great problem—on what does the general level of wages depend? The laws of price are as immutable as the laws of mechanics, but to assume that the rate of wages is not under man's control would be as absurd as to suppose that men cannot improve the construction of machinery. A knowledge of the laws of mechanics allows us to improve machines; a knowledge of the laws of wages may equally lead to improvement in the lot of men.

PART II.

Application of the Laws of Demand and Supply to the Special Problem of Wages.

The rate of wages paid to a certain class of workmen is simply the market price of their labour, and this price will be determined by the same laws as determine the price of other commodities. This truism is often interpreted as though it meant that no efforts on the part of the masters could lower wages, and no action on the part of men raise wages, the price of labour being, as is supposed, fixed by some natural law depending for its action in no wise on the will of men, but solely on the number of labourers and the amount of capital which is ready to be spent on labour. The natural deduction from this hypothesis is, that whatever wages happen to be paid are the right wages, and that men should thankfully accept them, abandoning all attempt to bargain as a useless waste of time and trouble in contending against the inevitable law of nature.

What is true of wages is true of other commodities, and it would be just as difficult to persuade the holders of any merchandise to desist from bargaining about the price of goods, as to persuade labourers to refrain from bargaining about wages. Nevertheless, it is certainly true that by competition among buyers, a market-price would be settled both for wages and other commodities, as at an auction with unreserved price even if the sellers did not bargain at all; and this is precisely what the more reasonable opponents of trade unions mean when they assert that wages are fixed by the laws of supply

and demand. It is unnecessary now to refute the other absurd form of the doctrine by which it was assumed that the wages-fund being fixed, and the number of labourers fixed, you had only to compute the mean wages by a simple sum in division,—it being clearly understood that the wages-fund is a fluctuating quantity, altered by every circumstance which affects the minds of capitalists. In an article in the *North British Review*,* the writer dwelt at much length on this fallacy, and nearly the same arguments, subsequently used by Mr. Thornton, have been acknowledged as just by Mr. John Stuart Mill. The theory of wages, therefore, presents two questions only :—

1. Does the power of bargaining give the labourer any advantage?

2. What is the cost of production of a labourer in a given trade?

If we can settle these two questions, we may feel certain of being able to answer all contingent questions, for we have found that the cost of production ultimately regulates the average of all prices, and therefore the average rate of wages ; and in a given market we have found how the fluctuations in the average price are determined. The one question which has not been touched being the effect on the market of the power of bargaining on the part of sellers, leaving the competition to buyers only.

I will first discuss this special case, which is that of the labourer who does not bargain as to his wages ; it is also the case of a forced sale, as at a bankruptcy, and of any other sale by auction without a reserved price. The curves in Fig. 7 represent this case. The power of bargaining, or, in other words, of reserving some of the goods for sale, may lower the supply curve below the straight line, and thus raise the price, diminishing the quantity bought ; but it must be re-

* *North British Review*, March 1858. Trade Unions. How far Legitimate.

membered that the demand curve is no fixed line depending on some numerical quantity or material weight, but represents a certain mental state. Now, it is observed that the knowledge that goods must be sold, that in fact there is no reserved price, does tend to diminish the desire for these goods quite independently of the knowledge of the mere material quantity in the market. The knowledge that the bankruptcy of some firm will necessitate the immediate sale of a stock, at once lowers the demand curve while it raises the supply, and by a double action lowers the price. This is often described as the effect of a sudden increase of supply; so it is, but the words, *at a price*, should be added, and whenever we take away the power of bargaining, or of fixing a reserved price, we virtually increase the supply at a price, putting the sellers into the position of bankrupts whose effects must be realised.

Now the legitimate action of trade unions is to enable the labourer to set a reserved price on his merchandise, precisely as any other dealer in goods can, and to deprive him of this power is to put him to the same disadvantage as the bankrupt salesman. Each labourer who has a reserve fund may bargain for himself, and concerted action is not theoretically necessary to allow of bargaining; practically the individual labourer seldom bargains, but, acting in concert with others, he can and does set a reserved price on his labour, and gets precisely the advantage that any other salesman would. Probably the quantity of labour or any other material bought under these circumstances will be less than when no reserved price is fixed; but this need not be so, and even if it be, it may be more advantageous to the salesman to sell a moderate quantity at a good price than a large quantity at a bad price. It may be more advantageous to labourers that a moderate number should be employed at good wages, than a large number at bad wages.

It is said that when men have this power they abuse it,

and will set so high a reserved price on their labour, as ultimately to stop the purchase of it altogether, or at least diminish it so far as to injure both themselves and capitalists. Self-interest is the natural remedy for this. We do not object to fishmongers setting a reserved price on fish, although they may so diminish the consumption as materially to injure both themselves and the community. The only motive by which the demands of a fishmonger are kept within reason is that of self-interest, and precisely the same motive may be trusted to in the case of a combination of labourers, unless they are so foolish as to be unable to perceive the consequences of their own actions—a case which is quite possible, though rarer than is imagined.*

Thus we find that the power of bargaining given to the labourer does tend to raise wages; but that it may diminish the number of labourers employed, and often does so.

It will be very rationally asked, How is this statement consistent with the doctrine that price, and consequently wages, depend ultimately on the cost of production? The explanation of the apparent inconsistency is to be found in the fact that the cost of production is itself not a fixed material thing, but depends on men's desires and will in a great measure. The cost of production is the cost at which a man thinks it worth his while to produce the article; this depends on his desires and opinions, and is affected by a vast number of circumstances. If he has a reserve fund, so that he need not perish should he cease to produce, the immediate motive to produce is very much weakened, and he will not think it worth his while to produce except at a higher profit to himself; and when it is said that the cost of production regulates the price, in that cost must be included the profit to the producer. Indeed, if we analyse the cost of production, it will be found to

* In the ordinary method of purchasing at shops we have an example of buyers trusting to the competition of sellers only, and paying whatever is asked, within a limit.

consist solely of the sum of a succession of profits reaped by the producers of food, of raw materials, and of tools—each of these profits depending solely on the desires or fancied necessities of each class of labourers. Thus the power of bargaining actually tends to increase the cost of production, and thus the apparent paradox is justified.

While, however, we find that, both in a given market and on an average of years, the power of bargaining will enable a seller to obtain higher prices, this does not assist us in determining what those prices shall be. The first law of demand and supply gives no help, since it requires for its operation that men's minds shall be already determined; the second law, when applied to labour, brings us to the Malthusian doctrine, and, when misunderstood, to the erroneous wages-fund theory. It is true that if the number of labourers be increased, without a corresponding increase in the demand at a price, probably wages will fall; it is also true that if the maximum of available capital be not increased, probably the demand at a price will not increase, and therefore it is true that if the population of a country increases faster than at a certain rate, determined by the increase of wealth, probably wages will fall. But all these truths help us little. Certainly, we cannot *à priori* determine the fit proportion between land and population. Many countries are poor, and afford bad wages, when thinly populated or semi-savage; and are rich, giving good wages, when thickly populated. Nor can we fix a ratio between increase of population and increase of wealth. If the population be a productive one, the more it increases the better, until the limit to food production in the world be reached. Only the labourer who, by want of education or natural gifts, is able to produce less than he requires, impoverishes a country; and I see no reason to suppose that as yet any man, born in the most thickly-populated country, need be in this condition. It is often said that to produce is

useless if there be no demand, but it is no real production of wealth if the thing made be not wealth, that is, if it is not wanted; the producer, falsely so called, is producing a wrong thing; demand is limited by production as much as production by demand. The demander can only demand in virtue of his possessing or having produced what others want, and hence if all were truly skilled, demand and the power of production would keep pace. Demand falls short of production from two reasons: the thing produced is a thing not wanted, or those who want it can produce nothing in return. If labour were wisely applied, the only limit to the increase of a well-to-do population is the difficulty of producing food. To say that the wealth of a country depends on its powers of production, is as true as to say that its powers of profitable production depend on its wealth; no doubt, the two things are dependent on one another, but there is no *fixed* ratio between them, such that knowing one you may calculate the other. Capital is produced by labour; the relative amounts of these two elements which can be employed in production *at a given moment* is approximately fixed, but fixed only by the customs and desires of that particular country at that particular time, when capital expects such and such profit, and labourers expect such and such comforts. Change these feelings, and the fixed ratio between capital and labour vanishes, so that the Malthusian law, true as it is, gives no help in determining the rate of wages, because it gives no help in determining what profit a capitalist will expect or what comfort a labourer will expect; because, in fact, it gives no help in determining the cost of production either of labour or of anything else.

The action of the increase of population depends on the second law of demand and supply, showing the probable direction of the change in wages under given circumstances, but not helping to determine what wages must be at any time, nor what they will be in future.

To determine ultimately the rate of wages, we are therefore driven, as in all other cases, to the third law, that price is determined by the cost of production. But before applying this law to labour, let us run over the mental machinery by which the price of any article is brought to coincide with the cost of production.

The value which buyers and sellers set on any article, depends on different motives. The demand in the buyers' minds corresponds to the utility which, in their opinion, attaches to the article; and the causes which help to form that opinion are too numerous for classification. If their desire be slight, they can force no one to produce; if it be strong, they will tempt so many to produce, that competition will bring down the price to the cost of production; so that their opinion of the utility of the article does not ultimately affect the price. Applying this to labour, the capitalist, if willing only to pay low wages, can neither force men to enter his workshop, nor to marry and produce children; and if willing to pay high wages, he will attract crowds, and produce such welfare as results in many marriages. The competition among labourers will bring down the wages to something which is equivalent to the cost of production. So far the parallels run on all fours.

The value set on any article by the mind of the seller, who only holds it with the object of obtaining money for it, depends on simple motives as compared with those which may actuate the buyer. The seller does not think of the utility of the article, but he will remember the past, guess at the present, and estimate the future demand, and he will compare these with the cost of production which he has borne. He will be loth to sell below the cost price, reckoning in that a given profit to himself. Nevertheless, if he thinks that the future demand will be less than the present, he will sell; but if he estimates that the demand will pre-

sently rise, he will hold back his ware. The different estimates of the present and future demand determine the differences in the supplies at various prices in any given market; but if the market price be below cost price, he will refrain from producing the article in future; and thus supply will be diminished until the market price rise up to or above cost price, then production will continue at a diminished rate. If the market price is much above cost price, more will be produced, until cost price and market price again agree.

Now, how far do similar motives affect the production of labour? The labourer is precisely in the position of the seller who attaches no value to his goods in themselves. The cost of production of his labour may be defined as the cost of maintaining the labourer from his birth to his death; and if our law is to hold good, his average wages must simply be such as will enable him so to maintain himself; but in what style? Goods will not be produced unless they pay the producer, besides his outlay, such a profit as makes it in his opinion worth while to produce them. Similarly, labourers do not produce and keep a family until their wages equal the cost of maintenance, including such enjoyment or comfort as in their opinion make life tolerable. The producer of other goods, when dissatisfied with his profit, ceases to produce. The labourer, if dissatisfied with his comforts, does not cumber himself with a wife and family; he even emigrates, or, in last resort, goes on the parish, and dies. A man being alive will generally sell himself, day by day, even below the rate at which he can be said to care for life, just as in a temporary depression of the market the producer of cotton goods sells below cost price rather than not sell at all; but he will not commence the production or rearing of a family unless satisfied with his wages; and thus the wages of each class depend on the standard of comfort at which they think it worth while to marry and beget children. This action

does not, indeed, take place with the view of producing goods for sale; but it does produce goods for sale, and it only occurs when existing goods (*i.e.* labour) meet with a sale satisfying the producers. The case of labour is here again analogous to that of any other goods produced for profit.

We can now answer the question, Whether men, by any action of theirs, can raise wages? How can they? Not by emigration, unless at the same time the cost of production of labour vary. Such emigration will simply increase the production of human beings, representing, as it does, one form of increased demand for them, and we have seen that, in the long run, demand has nothing to do with price. Not by increasing the capital employed productively. This again will only increase the number of human beings employed, not the wages they receive. Not by limiting the number of children to be born in a given area and time; this will limit trade, but will not permanently raise wages, though the diminution in the number of workmen of a given class at any moment will temporarily raise wages, which will gradually fall, unless the standard of comfort be permanently raised. Not by the limitation of the number of apprentices to a given trade; this will have but the same effect as limiting the number of children. If not all these, what then? Simply by creating an increased standard of comfort among the labourers. Do this, and our young labourer will claim higher wages, and, failing to obtain them, will not marry, or will emigrate. Our young apprentice will not enter those trades which do not offer him that profit which he expects. The cost of production of labour will have risen —the price or wages must rise—the quantity supplied will have fallen, unless the demand have risen. A new state of equilibrium between capital and labour will have been reached, and although production of wealth may have been checked for a while, it will afterwards progress as before.

It is futile to preach Malthusian doctrines of self-restraint to a labourer. The upper classes may grasp at those doctrines as an excuse for selfishness, and precisely that class which by education and wealth is fitted to produce valuable members of society may be induced to refrain from so doing; but it is useless to expect that the mass of mankind, having once married, or feeling sufficiently comfortable to think of marrying, will ever refrain from self-indulgence for the sake of humanity at large. It is only by appealing to self-interest that the desired end can be attained, and this end is attained in the middle and upper classes by means of self-interest. Educated men and women will not, as a rule, marry until they see their way to live in such a style as suits them, and the production of the educated class is thus limited probably as much as is desirable; the fear here being, rather that the standard of comfort should be chosen falsely with reference to imaginary luxuries, wholly unnecessary to a really refined and cultivated existence. The learned professions maintain their fees on no other principle than that of maintaining a high standard of comfort. Men fitted to exercise them will not enter them or remain in them unless they see their way to live in the style they have chosen; should this fail them, they change their occupation, they emigrate, or at least remain single, just as in the case of a labourer. The average remuneration of a doctor or of an architect depends on the cost of his production, being mainly the cost of his living in the style which men who have received that degree of education expect. The number of doctors employed at this rate depends on the number of people willing to pay the fees asked. It is frequently supposed to be the limitation produced by the cost of education which enables the professional man to earn higher wages than the mechanic, limiting as it does the supply of educated men. It does this to some extent, but if there were openings for a thousand more doctors to-morrow the funds for their education would be found next day; and

again, if the social position of doctors were to fall so that much smaller fees were expected, the profession would be far more numerous than at present.

It appears, then, that our third law, rigid as it is, only brings us to a point at which once more the feelings of men are the true arbiters of price. The cost of production of labour determines wages, but is itself determined by men's expectation of comfort.

Are we then to conclude that by simply asking for higher pay men can always obtain it?—By no means.

The alternative presented to each man is, or might be, work at the present rate or starve. However serious his discontent at his present pay, he may well falter at the alternative; but if his dissatisfaction be real, he will, at least, refrain from producing more labour, and thus his discontent will tend to raise the wages as he wished. This is not the old doctrine of simply limiting the number of human beings in order to raise wages, but contains the truth partly taught by the old doctrine. The ultimate effect of the limitation of labour can only be to limit the production of wealth, and the bargain between labour and capital will always, in time, result in driving the labourer back to the lowest standard of comfort at which he will marry; but if we begin by raising the standard of comfort which our labourer desires, we shall both limit the population and raise the wages. The limitation of population is the intermediate machinery by which the desired end is to be effected, but the motive-power must be sought in individual self-interest or discontent.

Every action which tends to make the labourer put up with less comfort, or less security, tends to lower his wages. Teach him nothing, so that he wants no books nor other pleasures of the mind. Abolish bodily amusements, so that he expects no pleasures of the body. Accustom him to live like a beast in a hovel; remove all

fear of absolute starvation by a poor-law; use the same machinery to persuade him that he may, with a good conscience, desert helpless children or old parents; give him little doles at every pinch, lest he be tempted to rebel;—do all this, and your dull aimless wretch will plod from day to day, expecting nothing more, and spawning swarms of wretched beings to succeed him in his hopeless contentment with a pittance. All this has been too much done, undo it; teach him, in order that he may desire knowledge; let him know that the world has pleasure in it, so that he may long for pleasure; show him what comfort is, so that he may learn to want, not live as a savage without wants; and when he has learnt how good a thing it is to enjoy life, let him fear poverty and starvation, as that man does fear them who must subdue them or perish; teach him to trust himself; teach him that his wife, his little ones, should trust him and him alone; let him look on miscalled charity as a temptation of the devil; and add to all this the greatest want of all, the longing that he may be that excellent thing, the man who walks in the ways of God; and never fear that this being will grovel out a life of hardship, or fail to learn how to win that which he so much desires.

Discontent with that which is vile is the mainspring by which the world is to be moved to good. Contentment with degradation is a vice—a vice only too difficult to eradicate. The action of these truths is everywhere to be seen. There is hardly a grain of truth in the doctrine that men's wages are in proportion to the pleasantness of their occupations. On the contrary, all loathsome occupations are undertaken by apathetic beings for a miserable hire. The plodding agricultural labourer has small wages; the discontented mechanic lives in comfort; the professional man, who never ceases struggling for more, wins luxuries;—yet the best paid is the most pleasant life. Now the common explanation of this is, that there are few capable of fulfilling

the higher and pleasanter functions, and many capable of performing the baser work; but why are there few fit for the higher lot? Simply because of the high standard obtaining among those who rejoice in it. A doctor with half-a-dozen sons will not make them all doctors; he could afford to do this very well. It is not the expense of the education which deters; he knows he could not find openings for all in the one path—he means by this, not in the style to which he is accustomed, and in which he expects his sons to live. It is the standard of comfort held by the present doctors which limits the number entering the profession, not the expense of education: again, a young doctor says that he cannot marry on £300 a-year, although he knows that a mechanic on £100 lives in real comfort, and brings up a well-to-do family. Again, it is the young doctor's standard of comfort which limits the number of the well-to-do class, and so keeps up their pay. But, it may be said, if it is not the expense of education which limits the number of doctors, why do not the well-to-do of the lower class make their sons professional men, and so lower the standard of refinement and culture? They actually do so to a limited extent, but no sooner has the lad received the professional education, and learnt the wants of the new and higher class, than he adopts these, and, while his father married on £100 a-year, he refuses to be contented with less than £500.

Now, there is nothing which so much helps a man to keep up the standard of his desires as the possession of some wealth. A man who has something can hold out. If he cannot enjoy large profits he can enjoy idleness; but the pauper must work or starve. Thus those who have money make the larger incomes, and the poor in a profession make small profits. Money makes money, because money produces a high standard of ease. Trade unions are one of the most powerful agents for raising wages, because they enable the community of workmen to acquire wealth. They are more powerful than savings banks or building societies, by which

individuals obtain reserve funds. The individual workman knows that his reserve fund will be nearly useless unless his neighbour has a reserve fund also. If each workman in a strike trusted to his own funds only, the poorer ones must give in first; and these would secure work while the richer, after spending a part of their reserve, would find themselves supplanted by the poorer competitors, and the sacrifice made uselessly. A combined reserve fund gives great power by insuring that all suffer alike. The trade union, therefore, has a permanent action in raising wages, because it enables men to accumulate a common fund, with which they can sustain their resolution not to work unless they obtain such pay as will give increased comfort. The common reserve fund plays just the same part in raising their wages, as is played by the small patrimony or sustenance given by a doctor to his son, which enables him, without risk of starvation, to refrain from taking unprofessional fees.

Strange, therefore, as the doctrine may sound, it is the wants of men which regulate their wages; and this is a simple deduction from the principle that the cost of production ultimately determines prices. Where wants are few and simple, there wages are low; where wants are numerous, wages are high; and it is the wants which raise the wages, not the wages which have created the wants: pay a savage more than he is accustomed to, and he simply squanders the money. But while the wants of men determine their pay, it is the demand for men of that class which determines how many shall be employed at that pay. This is the corrective to discontent. If their wants are great, few or no men of the given class may get any pay at all. It is the seller of labour who determines the price, but it is the buyer who determines the number of transactions. Capital settles how many men are wanted at given wages, but labour settles what wages the man shall have.

Surely we may be well satisfied with this conclusion. The

laws of demand and supply, rigid as they are, point to no necessary impoverishment and degradation of the labourer as men and means multiply; they require for his improvement no superhuman exercise of prudence on his part; they ask for no bounty from the men of great wealth. Well might men exclaim that the law was a law of death, when they so misread it as to believe that unless an ignorant and brutish population could be taught for the sake of unborn men to restrain their strongest passion, poverty must be perpetuated in an ever-increasing ratio. I do not so read the law; but say, Convince these paupers of their own misery. Teach them what comfort is, and a rational self-interest will lead them to independence, which the more wealthy have reached by the same path. Rational self-interest has done most things in this world, the great duty of the teacher being to distinguish rational from irrational self-interest. Whatever school of religion or philosophy we belong to, we cannot deny that each man, acting rationally for his own advantage, will conduce to the good of all; and if the motive be not the highest, it is one which at least can always be counted on. It were a poor world if higher motives were banished; but in looking to the improvement of the pauper it is well that we may count on a motive which is at least effectual. And, looking to this motive alone, I say that the laws of demand and supply are so far from being antagonistic to improvement, that we need only teach men what they should desire, and excite in their minds a real disgust at their miserable condition, in order, by the very laws of price, to create the Utopia of labour where all men shall get a fair day's wages for a fair day's work, by which vague phrase the workman means that the pay for his labour shall buy him enjoyment as well as bread.

F. J.

CHURCH TENDENCIES IN SCOTLAND.

THERE are at the present moment in Scotland fourteen distinct Churches or complete Christian organisations, competing for the attachment of the nation. Taking them in the order of their importance, as measured by the extent of their ecclesiastical machinery, we have the Establishment, with 1254 churches; the Free Church, with 873; the United Presbyterian Church, with 600; the Scottish Episcopal Church, with 157; the Roman Catholic Church, with 132; the Congregationalists, with 96; the Baptists, with 83; the Evangelical Union or Morisonians, with 77; the Reformed Presbyterians or Cameronians, with 44; the Wesleyan Methodists, with 34; the United Original Seceders, with 25; the Reformed Presbyterians in Scotland, or True and Original Cameronians, with 11; the unattached Episcopalians, with 8; and the Unitarians, with 5: in all 3400 churches to a population which may be estimated at 3,205,481. Of this population the best authorities agree in regarding one-sixth, or considerably over half-a-million as belonging to what is called the lapsed masses, who do not worship in the churches frequented by the rest of the people, but are dealt with in meeting-houses or at their own homes by the numerous missionaries, bible-women, colporteurs, and visitors, employed by the various denominations. If from the number thus reduced there be still further deducted one-third to represent children under twelve years of age, for whom the ordinary church services are neither suitable nor intended, it will be seen that, even if the whole

church-going population of Scotland were to worship at one time, which never is or can be done, there would still be a church for every 524 of them—a fact which, in view of the much larger accommodation actually provided, indicates a very considerable waste of clerical power, and justifies, on the ground of economy at least, the efforts of those who seek to promote ecclesiastical unity.

Although the variety of sects that jostle each other on the field of Scotch ecclesiastical life is apt to bewilder a stranger, a little examination shows that three-fourths of them may be left out of account in forming a judgment as to the religious tendencies of the national mind. Some of them are exotic, and will never be naturalised; and others, though native to the soil, are and will continue powerless. Unitarianism, for example, is, and is likely for a long time to remain, the smallest of Scottish sects. Its membership is, indeed, exceedingly respectable both as regards character and intelligence, but it does not exercise any appreciable influence on Church positions in the community. Not that the critical, rationalising, self-reliant spirit, of which Unitarianism is an exaggerated expression, is alien to the Scottish character. On the contrary, a Scotchman is naturally of a doubting, questioning, contradicting temper. Hume was no abnormal product of the national spirit. But withal a Scotchman is practical and cautious, and does not willingly take up an extreme and singular position, especially upon speculative questions. In his secret heart he may, and in very many cases does, rebel against his clergyman if he seems to dogmatise too confidently on the mysteries of theology, but he is disinclined to make any public stand in the matter, and prefers waiting to see what other people will do. Besides, it occurs to him that formulated Unitarianism is perhaps too much given to dogmatise in its turn. The belief it assails has lasted for eighteen centuries, and must, he thinks, have something to be said in

its favour; and although he might easily be puzzled by a few scientific questions in Trinitarian theology, yet such is his affection and veneration for Christ, as presented to his mind from infancy, that he conceives he can be making no practical mistake in paying Him the highest honours which it is possible to imagine. Were there nothing else than these feelings in the way, Unitarianism has nearly insuperable difficulties to deal with in attempting to gain a standing in Scotland as an organisation.

Methodism, too, is a plant of sickly growth in Scotland. It is too elementary in its matter, and too demonstrative and unctuous in its style, for a Scotchman. He thinks it silly. He does not see what the Methodist gets so excited about. Besides, the class exercises are entirely foreign to his reticent and secretive nature. Two-thirds of the parentage of Scotland look upon the public baptism of their children as a most distressing ordeal, and regard it as a boon when the clergyman gives the sacrament privately. Such a people will never learn to take pleasure in public unbosomings of their religious experience. The peculiarities of the Baptists are equally out of harmony with the Scottish disposition. They seem to it finical and crotchety. The ordinary Scotchman will not enter into a Bible argument on such questions. He sees that his child is, in point of fact, a member of a Christian community. He does not see any harm in recognising that fact by some ceremony; and he thinks baptism a very proper and Christian-like way of making the recognition. At all events, he will not quarrel with the whole nation on what strikes him as a comparatively secondary matter.

Congregationalism, although, from its superior robustness of make, more pleasing to the Scottish eye than Methodism or Anabaptism, has not laid a much more firm hold on the national sympathies. It has, in the meantime, no special *raison d'être*, supplying no want that is not already met.

Theoretically it is more democratic than Presbyterianism, but in practice Presbyterianism has always managed to admit as much popular influence as was wanted at the time. Its worship is identical in form with Presbyterianism, and depends equally upon the accident of the clergyman's abilities. In common with Methodism, it has the drawback of requiring something more than a credible profession of religion as a condition of membership, and insists upon a declaration and tokens of regeneration. This will never succeed in Scotland. In the northern counties, taking the Lord's Supper has come to be regarded as an assertion of conscious regeneration on the part of the communicant, and the result is that the sacrament is taken by a mere handful of the population. Scotch caution and uncommunicativeness are incompatible with the progress of Congregationalism in its present character. As for Roman Catholicism, though in Scotland, it is scarcely of Scotland. It is mainly Irish; and though it has made considerable numerical progress in recent years, that increase has been dependent on the immigration of Irish labourers. For this reason among others, it is not likely to tell upon the Scottish mind. Its doctrines are too extravagant for a Scotchman's scepticism; priestly prerogative is distasteful to his somewhat surly self-assertion; and his imaginative excitability is too well balanced by more solid qualities to let him be carried away by mere impressiveness of ritual.

With one exception, the remaining sects are Presbyterian. The history of Scottish Presbytery is a history of explosions, and attempts to solder together again the disrupted parts. The Revolution Settlement produced one schism, and within little more than a century and a half from the union of the two kingdoms there have been eight schisms and five reunions. Cameronians, Seceders, Relief, Burghers and Anti-Burghers, Old and New Light Burghers, Old and New Light Anti-Burghers, United Seceders, Protesters against United

Seceders, Original Seceders, Free Churchmen, Erastians, and United Presbyterians, are some of the names which good men learned to call themselves and each other during this period of strife. Many of them are now forgotten, with the causes of variance that gave them birth, and of those that remain several are manifestly on the way to oblivion.

The community, for instance, which calls itself the Reformed Presbyterian Church in Scotland, or True and Original Cameronians, cannot have long to live. This is perhaps the most orthodox body in Great Britain, or even Christendom—certainly in Scotland. It protests against the defections of the Cameronians, a degree of strictness beyond even those who, about 1820, set up a church to testify against the unfaithfulness of the United Seceders. From the Revolution down to 1863 the Cameronians or Reformed Presbyterians had maintained the obligations of the Solemn League and Covenant, and had refused to countenance an uncovenanted, and therefore sinful, civil Government, by voting at elections, or otherwise taking any voluntary part in its proceedings. But in 1863 they broke down, and allowed themselves to vote, to become volunteers and magistrates, and, in short, to accept the position of ordinary citizens. A faithful remnant, however, refused to lower the blue flag by an inch. There are only five clergy of them, with eleven congregations—very small ones—acknowledging their rule; but they have formed themselves into presbyteries, with moderator and clerk, and all consistorial requisites, and they pass resolutions, emit testimonies, and issue pastoral addresses condemnatory of the rest of mankind, with as much gravity as an Œcumenical Council. To this the great covenanting organisation of 1638 has dwindled. For these men are undoubtedly the lineal descendants—the only uncontaminated and complete representatives extant—of Rutherford, Gillespie, Henderson, Guthrie, Cargill, and Cameron. The Covenant in its day was a giant in his prime,

whom his strength has carried through many blows and years; but he is weak enough now, and plainly at the point of death.

With respect to the pseudo-Cameronians, there seems no special reason now why they should preserve a separate existence, and they are likely within a few years to be merged in the general Presbyterian crowd. The same destiny, or the alternative of extinction, lies before the society who maintain the principles of Ebenezer Erskine, and call themselves Original Seceders. The somewhat larger body, designated the Evangelical Union, or Morisonianism, from its founder, is one of the most recent offshoots of Presbyterianism. It differs from the others in having taken origin from a matter of doctrine rather than of polity. It is practically a protest for greater freedom in speaking of the Fatherly relation of God to man than is permitted by the rigidly-defined Calvinism of the Presbyterian Articles. In this sense it may be regarded as an impatient anticipation, under hastily-conceived forms, of a more genial and comprehensive conception of the Divine procedure, which there is reason to believe is ripening within the general intelligence of Presbyterian Scotland. When the mature utterance comes, Morisonianism will be superseded, through being corrected and included.

These comparatively unimportant communities being set aside, four others remain—the Establishment, the Free Church, the United Presbyterian Church, and the Scottish Episcopal Church. Within these the reality of Scottish Church life is to be found, and out of their interaction will spring its future. The attitude of the three great Presbyterian communities to each other opens up the whole field of Church politics, and the position of the Scottish Episcopal Church suggests the question how far Presbyterianism is likely to admit a liturgical modification into its worship, or a hierarchical element into its government. A third question is common to all—what direction religious thought is to be regarded as taking.

The matters with which these questions deal are closely intermingled, and none of them can be fully considered apart from the others. It is necessary, however, to treat each separately, and a beginning may conveniently be made with worship, and in connection with it the general position and prospects of Scottish Episcopalianism.

1. There cannot be a doubt that the neighbourhood of the Episcopal Church is exercising an important influence on the character of Presbyterian worship. This influence is not due to the numerical strength of Episcopacy. In recent years it has been increasing very considerably, but still, relatively to the nation, its bulk is not great. The tables of the Registrar-General show that the proportion of the whole number of marriages in Scotland celebrated by its clergy has been steadily on the increase, but even yet the highest point reached is 2·18 per cent in 1866, as compared with 1·78 in 1855. The returns of the Scottish Commissioners on Education show that 1·13 per cent of the children at school are Episcopalian. Taking both sets of statistics into account, and making allowance for the consideration that many children of Episcopalians, as belonging to the higher classes of society, might not be included in the Educational Returns, we may set down Episcopacy as forming a little over 2 per cent of the population, and thus considerably under Roman Catholicism, which counts as high as 9 per cent.

But if Episcopalianism is weak in numbers, it is strong in quality. The mass of the Scottish gentry belong to its communion, and in the large towns during the last twenty-five years it has received numerous accessions from the ranks of the best educated and most influential adherents of Presbyterianism. The main cause of this is the superior attractiveness which its ritual possesses for the more elegant class of minds. Extemporaneous worship, though probably well suited to times of fervour and excitement, is apt, in times

of quiet, to become dreary, coarse, or otherwise repellent. It is not to be denied that in too many Presbyterian churches the prayers partake greatly of the nature of harangues, spoken against time, feeble, commonplace, rough, or vulgar. The congregational singing is frequently dull, heartless, and badly done. Even when performed in a superior manner, Presbyterian worship fails to give sufficient expression to the conception of common prayer; and when bad, it is very bad. If in addition the sermon happens, as not seldom it does, to be either a tissue of fierce or frigid dogmatism, or a piece of insipid platitude, from which all originality has been crushed out by the traditional timidity engendered through two centuries of orthodoxy enforced by penalty, the whole service is a disappointment. The Episcopal service, on the other hand, though a little tedious, and calculated to thrust the important ordinance of preaching into a corner, is fitted, when well rendered, amidst befitting architectural and other appointments, to give effective expression to the idea of a united and reverent approach to God, and communion with Him. It has animation, variety, and stately beauty; and it is not wonderful that persons of information and taste, in cases where they have found the baldness of Presbyterian worship not compensated by superiority of preaching, should have betaken themselves to the Episcopal service as a better outlet for the sentiment of reverence and a more suitable organ of social devotion.

It would have been wonderful, however, had Presbyterianism remained insensible to this threatened diminution of its prestige. Accustomed to popularity and influence, and possessing considerable flexibility of constitution, it has seldom shown itself unwilling or unable to retain the popular attachment by meeting the popular wants. And, in the present instance, there are many tokens that Presbyterianism is seeking to adapt itself to the demand that has arisen for a larger infusion of life and beauty into its ritual. To the late Dr. Robert Lee belongs

the credit of having first and most clearly seen what was wanted here, and of having set himself in the most effectual manner to supply it. His aim was, while retaining the vigour and thoroughness of the Scotch ideal of preaching, to borrow from Episcopalianism the best elements of its liturgical method, while correcting some of its obvious faults. The protracted and somewhat angry controversy which arose upon the introduction of his reforms has issued substantially in the success of his ideas. The movement for the improvement of Presbyterian ritual, instead of being extinguished, has been confirmed. More than twenty churches in the Establishment already use instrumental music. Here and there the clergy read the public prayers, without complaint from the people. A society of clergy, numbering at present about 150 members, has been in existence for several years, with the express purpose of stimulating liturgical study and furthering its objects; and it seems not unlikely that the Church at large will ultimately take up the subject, and see the advisableness of authorising some sort of common liturgy, probably partial and optional.

In the United Presbyterian Church traces of a similar æsthetic advance are visible. Architectural decoration, that would have seemed a worldly vanity to the founders of the communion, is in increasing request. The service of congregational song is enriched with a voluminous, if not very select, hymnology. In the principal church of the communion in Glasgow, an expensive organ has been standing, though unused, for several years, and it is generally understood would be regularly employed were there not an apprehension that its sanction by the Church Courts at the present time might mar the prospects of the union that is now being negotiated with the Free Church. But even the Free Church, the most conservative of Presbyterian traditions among the larger churches that bear the name, although not yet ripe for so marked an interference with ancient

usage as instrumental music implies, has begun to feel the first heavings of the wave of ritual reform. The circumstances under which this beginning is taking place must appear ludicrous to those who are unaccustomed to the minutiæ of Puritan doctrine. It has taken the form of a movement for the introduction of hymns—"human" hymns as they are opprobriously termed by the opponents of their use—into public worship. At first sight this might seem a very innocent proposal. But to many in the Free Church it appears entirely revolutionary. They contend that God has revealed in Scripture the particular mode in which he is to be worshipped—that in this matter of congregational song he has appointed inspired psalms, and these alone, to be used—so that a Christian is no more at liberty to employ a "human" hymn instead of an inspired psalm in Divine service, than a Jew under the old dispensation would have been justified in sacrificing a dog instead of a lamb or a calf.

Viewed in the light of the Presbyterian articles of faith, there is undoubted force in this argument; and it is matter of fact that until recently no one ever dreamt of using any other materials of congregational praise than the Psalms of David, or metrical paraphrases of passages of Scripture. But this makes the present demand for an enlarged hymnology in the Free Church only the more remarkable. That it will be carried is very evident from the majorities which it commands in the Free General Assembly, and the popular approval which it enjoys in spite of the obstinate resistance of a considerable Puritanical party. But it is further evident that this can only be a beginning. The same reasons that are good for enriching the Psalter with modern poetry are good for enriching the music by instrumental aids; and when congregational song has been improved on this principle, there can be no reason why common prayer should not have the benefit of any liturgical appliances that are fitted to make it more edifying.

While the presence of the Episcopal Church undoubtedly

acts as a stimulus to ritual reform in the Presbyterian churches, it cannot be said that they have been influenced by it in the direction of revising their polity. In none of them is there to be found any indication of inclining to the prelatical principle. For one thing, the traditional horror of bishops has not yet died out. Besides, Presbyterian parity has so intensified the democratic spirit of the nation, that the inclination of the average Scotchman to consider himself as good as any other man is unusually strong. He has no special reverence for a clergyman as such, and can hardly be imagined learning to look up to one as his spiritual lord or father; while the Presbyterian clergy themselves will certainly be very slow to regard with favour the elevation of any of their number to a position of authority over themselves, or the ascription to him of a supernatural commission to confer orders or perform other ecclesiastical acts, for which they shall themselves be pronounced thenceforward incompetent. But a bishop is not merely a prelate, he is also a superintendent and administrator of Church affairs for a district; and while the adoption of prelacy is not likely to be thought of, it has certainly occurred to not a few Presbyterian churchmen that valuable hints might be borrowed from the Episcopal system in methods of superintendence and administration.

The weakest point in the Presbyterian system is its want of executive. A General Assembly or a Presbytery meets for a day or a few days, passes a number of what are perhaps very useful laws, regulations, or resolutions, breaks up when its work is over, and disperses into its constituent units, leaving its enactments behind it in a minute-book, with nobody in particular charged to see to their execution. Their enforcement is left mainly to the chance zeal of some one calling attention some time to their non-enforcement somewhere. Time and power are wasted in other ways. The theory of transacting business by a Presbytery is, that

everybody does everything. The Presbytery of Edinburgh, for instance, consists of eighty members; and if a parish church requires repair, or a case of scandal needs to be investigated, the whole of these eighty presbyters should together examine, discuss, and adjudicate upon the question of repairs or the evidence tending to discipline. The effect in practice too often is, that they do badly in many days what a country lawyer would do well in a few hours. An attempt is often made to meet the evil by delegating business to committees; but even this still means that certain clergy are to transact the business, not only of their own parishes, but also much of the business of all the parishes in the neighbourhood. In short, it is the principle of the multiplication instead of the division of labour. It is not too much to say that this system has greatly to do with the admitted want of extensive theological learning among the Presbyterian clergy. One of the provisions of Knox's scheme of Church reform was, that there should be a weekly meeting of the clergy in a neighbourhood for what was called the "exercise"—that is, the scholarly discussion of some passage of Scripture or point of divinity. The importance of this institution in keeping up and stimulating professional learning is obvious, and for many years after the Reformation it was insisted on as a preliminary to presbyterial meetings; but it has long fallen into disuse in favour of details of business that are often petty and purely routine or secular. In this way men of ability, who, under a different stimulus might have ripened into erudite divines, instructors and liberalisers of their fellow-beings in matters about which they have very great need to have their minds enlightened and opened up, have yielded to the temptation of growing into what are called church lawyers—that is, amateurs and dabblers in legal principles and cases—of nearly equal capability with third-rate solicitors.

Another grave evil resulting from the method of transacting business by a headless body like a Presbytery must be noticed. The Presbytery has the power of declaring who shall be permitted to become preachers. The tests and examinations prescribed by the General Assemblies are admirable; but the execution of them is left to the Presbytery—that is to say, to everybody in general, but nobody in particular. Seldom has the proverb—that what is everybody's business is nobody's business—been more strikingly verified. In practice, any young man who attends the prescribed University classes is elevated to the rank of a preacher; and thus the churches are infested with a body of incapable and ignorant persons, who should never have been allowed to speak from a pulpit, but who, in Synods and Assemblies, count as much in a vote as their wisest and ablest members. Some kind of individual and responsible administrator, superintendent, or inspector, to see that laws are really carried out, is needed to complete the Presbyterial system. For want of this it has sunk in many instances into a degree of slovenliness from which the Episcopal system seems naturally protected by the central and personal vigilance and power of correction resident in the Episcopate.

How far the Scottish Episcopal Church is likely to extend its influence over the nation, is a question somewhat difficult to answer. Were its existing character and constitution to be perpetuated, it does not seem likely to increase very much beyond its present dimensions. At present its spirit and pretensions are, on the whole, of a pronounced Tractarian cast. The Bishop of Argyll, indeed, teaches a sufficiently broad and liberal theology, tinged a little with mysticism; but he is not understood to have a large following. The clergy are believed to gravitate more towards the position of the Bishop of Brechin, who claims a very exclusive standing for the Church, and who, in his explanation of the

Thirty-nine Articles, maintains, with undeniable ability and learning, the Real Presence, under a subtle phase of Transubstantiation. As long as Episcopacy presents such a front to the Scottish nation, it will ask their allegiance in vain. Divine right, alleged as the ground of exclusive personal claims, they are not now in a humour to entertain. They will almost as soon accept the divine right of railway directors as the divine right of bishops. They will believe in what recommends itself to their own innate sense of truth, fitness, beauty, or usefulness; but wire-drawn arguments from antiquity are lost upon them.

Were anything needed to prove this, it would be found in the experience which Dr. Charles Wordsworth, Bishop of St. Andrews, has had of the Scottish intelligence. This prelate has laboured for many years, by means of polemical charges, and long, numerous, learned, argumentative, and always courteous letters in the newspapers, and otherwise, to persuade Presbyterians of the error of remaining estranged from the one apostolic and divinely-commissioned ministry. But, by his own confession, his labours have proved abortive. Nor is this result surprising. The people are too shrewd to take his statement on his own word; they have not time to verify his references to the Fathers; they have an idea that as much learning on the other side has been heaped up by divines of their own communion; and when told that God's permission of the spread of the Episcopate in the early ages of the Church is the stamp of his approval upon the system, they are quick enough to see that the same argument would prove the divine right of Confucianism, or Buddhism, or Mohammedanism, or anything else which God has ever permitted to prevail; and so even Presbyterianism itself, wherever it happens to be found. The only argument that can tell upon the popular mind is a self-recommending superiority on the part of the Episcopal worship, as a means of meeting the

religious instincts. As has been already remarked, the Liturgy has a charm for certain minds sufficient to overbalance their hereditary connection with Presbyterianism where its worship is ill performed. But the class of minds fitted rightly to appreciate the Liturgy is limited. It is too fine for the mass. Presbyterianism is right in giving prominence to preaching. The people will go where they get vigorous and interesting sermons; and as long as Episcopalianism remains weak in preaching, as it is at present, it will fail to attract the people. They may leave the Presbyterian Church, but they will not go elsewhere.

The fact that the higher classes are Episcopalian will do very little to extend the influence of the system. The Scottish gentry have not much weight with the people, and are in no respect their leaders—living a separate life of their own, and having little intercourse or sympathy with the middle and lower classes, who go their own way, and who will probably cling all the more closely to Presbyterianism if they think that, under another system, they may be eclipsed and inconvenienced by the presence of exclusive neighbours. There is, however, one contingency in which a somewhat more popular future may be anticipated for the Episcopal Church. A demand has arisen among its laity for a substantial share in the government of the Church. Should this movement prove powerful, and develop itself in its natural direction, it may revolutionise the system, and entirely alter its attitude towards the people. A democratic Episcopal Church would probably purge out that leaven of sacerdotalism which most Scotchmen smile at as an exhibition of superstitious pretentiousness; would likely abbreviate the creeds and render the Church greatly more comprehensive; and while retaining the really beautiful of its traditions, would shorten the worship so as to give scope and encouragement to good preaching. Such a Church would be deservedly and most usefully

popular; but, without some such modifications, the Scottish Episcopal Church may continue to preserve the character of a coterie of elegant religionists, but will never be a national Church. It has not even complete security for the selectness of its membership. What is fashionable is more or less quickly vulgarised by the efforts of vulgar natures to identify themselves with it; and if the pressing of parvenus into the Episcopal communion should become in any degree marked, it might constrain the true *élite* to emigrate, for much the same reason that melodies cease to be heard in the salons when they begin to be sung in the streets.

2. The direction which religious thought is taking in Scotland raises a deeply interesting and important question. Viewed in the most general manner, it may be said to be moving away from external authority towards self-reliance; from an objective towards a subjective standard of truth. Here, as elsewhere throughout the world, the empire of private judgment is steadily pressing forward its boundaries. This exhibits itself in a very wide-spread loosening of opinion, and the growth of a questioning and doubting spirit with respect to many things once received as almost axiomatic, and sources of authority to which it was customary that implicit deference should be paid. The decrees of the Church, the definitions of the Standards and Articles, the infallibility of the letter of Scripture itself, are not where they were. It cannot be said, indeed, that there are many who have parted entirely with sentiments of veneration or faith in respect to those matters. Nearly every person has his children baptized according to the order of one of the churches; and even those who have gone farthest in breaking with traditional views, willingly honour the national custom of attending church, where they can find a clergyman whose teaching, though varying in many points of detail from their own opinions, is fresh and interesting, and not conceived in the spirit of dogmatism.

But it would be vain to attempt disguising the fact that among the most intelligent classes of the community—and in Scotland there is throughout all ranks of society a very much larger diffusion of intelligence and interest in theological and ecclesiastical subjects than in England, if not most other countries—there is much sympathy with what is called the modern or liberal school of theology.

With regard, for example, to the crucial question of the authority of Scripture, the persons now described will not be found wanting in a reverent and affectionate estimate of the treasure of sacred truth that has descended to us from the past. But they believe scriptural statements, not simply because they find them in the Bible, but inasmuch as for themselves they perceive them to be true. They do not so much believe certain things to be true because they are in the Bible, as they believe in the Bible because they find in it things that are true. Many things in the Scriptures they hold fast because they recognise their force and rightness; other things they are uncertain about, but treat with provisional respect, for the sake of the reverence due on other grounds to the book; other things they look upon as belonging to the categories of inaccurate history, crude science, or imperfectly developed morality. The whole they accept as a divine Word reaching to the spirit of man, and would not dream of modifying the position of the book as the fountain of spiritual instruction in the Church. The same attitude of mind is held towards theological determinations and ecclesiastical institutions claiming scriptural sanction. So far as they commend themselves to the cultured sense of right and truth, they receive due respect, but nothing on the mere ground of being authorised and decreed.

As may easily be supposed, the teachings of Continental and English critics are canvassed with considerable keenness by those persons, and produce the natural results upon

their minds; and nowhere, it may safely be said, have the rise and growth of the Broad School in the Church of England, and the important series of legal decisions which have determined the limits of its freedom, been watched with deeper interest than among the educated and discerning laity of Scotland. It cannot be said that the mass of the people have consciously participated in this movement of thought; but most certainly they are unconsciously influenced by it to a very great degree. If interrogated upon matters involving the question of ultimate authority, they would probably answer in the language of traditional opinions, and might believe that such was their belief, but their actual and daily practice, and the things they allow to be done or said, not only without blame, but with positive approbation, show that many of their ruling convictions owe their place not to the dictates of authority but to simple considerations of what is "right in their own eyes."

Take, for instance, the national acquiescence in Presbyterian church government. When Presbyterianism took root in Scotland at first, it was certainly upon the understanding that it alone was pleasing to the Divine mind, and that Prelacy, Popery, and Independency, were sinful, if not even blasphemous. It was for this idea that the Covenanters fought and suffered. Even after the Revolution Settlement, the Church legislated and constructed its formula in the same spirit. Boston preached it as an article of faith. But the conviction does not exist now; it has insensibly disappeared. Presbyterian apologists, like Professors Caird and Crawford, decline to take high ground. The average Presbyterian has no belief in the divine right of Presbytery. He approves of it because it suits him. He assents to it just as he assents to a locomotive engine or a reaping machine; it answers its purpose. He does not deem it necessary to attend to the antiquarian and scriptural arguments of polemical prelatists like

Bishop Wordsworth. They seem to him to be attempting to prove what cannot be true. God, he conceives, cannot have spoken miraculously on a mere matter of detail and convenience like church government; and so he closes his ears.

The keeping of Sunday is rapidly approaching the same position. The next generation will probably hold very different views from their fathers on the day of rest. The teaching of the Shorter Catechism in the schools has hitherto kept alive the belief in an express Divine command to give up the first day of the week exclusively to acts of religious worship. But this belief has been broken down in several ways. It has been shaken by consideration of the fact that so large a section of Christendom differs from Scotland as to the continued obligation of the fourth commandment. It has been still more weakened by observation of the apparent conflict between geological science and the language of the commandment. The commandment, as expounded in the Catechism, affirms that men should work six days and rest one, because God worked six days in making the world, and rested one. But when theologians of such high reputation for orthodoxy as Dr. Candlish in the Free Church, and Dr. Cairns in the United Presbyterian Church, looking at the results of geological investigation, affirm, the one that it is not the fact, and the other that it is uncertain, that God made the world in six days, it is not surprising that ordinary people should hesitate about the divine obligation of a precept which appears to be based on incorrect or doubtful premises. But the most important modification of all has, undoubtedly, been produced by the rebellion of the common sense of the people against the Church's decree as to the mode of "sanctifying the Sabbath."

According to that decree, "all worldly employments and recreations that are lawful on other days" are forbidden, and it is enjoined that "the *whole* time be spent in the public

and private exercises of God's worship, except so much as is to be taken up in the works of necessity and mercy." The meaning of this is that, as a rule, from twelve to fourteen hours every Sunday should be occupied in the performance of religious exercises. It is doubtful if this regulation was ever fully obeyed. From a very early period it was evaded by substituting, for private exercises of worship, the reading of what were called "good books," which very frequently amounted to no more than a religious recreation, and did not constitute an act of worship, as defined by the Church Standards. At the present moment a very large proportion of the people who go to church, spend, without sense of guilt, a considerable part of the remaining time in recreations which, though not wicked, are certainly worldly in the meaning of the Standards, and are neither absolutely necessary nor specially merciful. There is, no doubt, a considerable party who desire to maintain the Sabbath on the old ground, and with puritanical strictness. Only two or three years ago the Free Church General Assembly refused church privileges to a working printer, on the ground that he performed some labour on Sunday in the office of a daily newspaper. It is probable, however, that the Assembly was driven to this conclusion by stress of logic, and could not have been very hearty in it, as it was remarked at the time that the very persons who felt constrained to protest against Sunday printing had no scruple in enjoying Monday newspapers, which they knew could not have been produced without some invasion of the Sabbath, either by unlawful work or equally unlawful repose. The same body, when some of their number wished, and from the Puritan point of view most righteously wished, to testify against the well-known periodical *Good Words*, as an attempt to substitute quasi-religious fiction and literary amusement for acts of worship, as a means of spending the private hours of Sunday, were very glad to quash the proposal on a point

of form; and there is reason to think that many of those who argue most vehemently against any visible relaxation of the statutory rigour, however innocently and reasonably they may pass the Sunday afternoons and evenings, do not spend them so exclusively as they could do, if they wished, in those exercises of prayer, singing of psalms, and reading of the Scriptures, which alone are permitted by the Westminster Standards.

All this serves to show that the public mind has taken the settlement of the matter very much into its own keeping, without deferring too punctiliously to authority. Several years ago, in the heat of certain Sabbatarian discussions, a cab was driven leisurely through the most crowded streets of Edinburgh, covered, as is done during municipal and parliamentary elections, with huge placards behind and on the sides, on which was inscribed, in glaring capitals, the motto—"Give God his day." This appeal, putting very tersely the Sabbatarian theory, would certainly not be recognised by the intelligence of Scotland, as expressing their reasons for keeping Sunday. They do so, chiefly, not because they suppose themselves bound to pay a tax of 14 to 15 per cent on their time to the Deity, but because they believe the institution to be a valuable one. They think it both a privilege and a wise practice to suspend ordinary labour once a-week, for the purpose of rest and meditation on those high ideas of destiny and duty which are the chief glory of human nature; and this end they think may best be gained by devoting a reasonable portion of time to acts of religious worship, and the remainder to quiet and innocent enjoyments, regulated by good sense. It might be too much to say that the theological argument for the institution has absolutely no effect whatever, but it is by its own usefulness that allegiance to it is retained, and will be retained.

The introduction of hymns into the worship of the Free Church has already been alluded to. It may seem a small

matter in itself; but in a country bound in so minutely-developed an orthodoxy as the Westminster Confession has provided for Scotland, small innovations often draw large principles after them. And it appears to be so in the present instance. The question of hymns in the Free Church resolves itself into the larger question, how far the Christian consciousness is bound by the letter of Scripture. It seems very difficult for one reviewing the whole discussion to arrive at any other conclusion than that, from the Free Church point of view, inspired Psalms alone are scripturally lawful in public worship. The Puritan law of worship is, that nothing is permissible but what is "prescribed in Scripture." It must not merely be not forbidden, it must be positively enjoined in the Bible, to make it lawful. Now it is by no means easy to prove, by induction of texts, that Scripture authorises any other than inspired poetry. Nor is such a limitation without some show of reason. Men may pray in their own words, because then they are only stating their own wants, which they are quite competent to do; but it may be said that, in the praise of God, the nature and attributes of Deity are concerned, and that, as these are above the comprehension of finite minds, they can be safely celebrated only in language furnished by Himself. At all events, the question is sufficiently disputable to make it the duty of those who might think it dangerous to transgress the letter of Scripture in such a matter, to maintain the *status quo*. In point of fact, however, the Free Church Assembly have resolved, by a considerable majority, to proceed with the innovation. That is to say, they have resolved that worship may be regulated by Christian common sense, without being hampered by the mere letter of Scripture—a conclusion which will probably meet the approval of many very rational people, but which is certainly a considerable drifting away from ancient positions.

But, indeed, nothing more strikingly illustrates the dis-

solving process through which theological and ecclesiastical thought is passing in Scotland, than the great landslip of opinion, chiefly as to the aims and principles of Church organisation, which has taken place in the Free Church since 1843, the period of its separation from the Establishment. Since that time a generation has passed away, and a younger race, both clerical and lay, has arisen to influence the Church's counsels and character. Among these it is understood that a more moderate and liberal tone of thinking prevails, than was developed in the fierce and extreme times amidst which the Free Church was born. This feature is more or less characteristic of all the churches. Many of the clergy of the Establishment and United Presbyterian Church are men of liberal sentiments, and in the Free Church the number of pulpits is increasing from which a tolerably broad theology is taught. The consciousness of this condition of things may have influenced the more prominent leaders of the communion in coming to the remarkable change of opinion which they have reached. In 1843 the Free Church took a separate existence for the express purpose of doing justice to the proper idea of the Church of Scotland, as it was conceived by Melvil, and by Henderson, Gillespie, and the fathers of the Covenant. That idea had two branches—one that Christ is King of his Church, and the other that Christ is King of Nations. Translated into more intelligible language, this meant that the State had two great duties to perform towards the true Church of Christ—one to recognise its perfect independence within its own sphere; and the other to aid it in its work, and so to deliver it from falsehood, false churches, and false religions of all kinds, that it should be the one supreme spiritual power in society.

The latter of these principles may be called spiritual exclusiveness, and the former spiritual independence. Both are provided for in the Westminster Confession, the common standard of all the Presbyterian communions. With respect

to spiritual exclusiveness, that document enacts :—"The civil magistrate hath authority, and it is his duty, to take order that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed. For the better effecting whereof, he hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God." With respect to spiritual independence, it is laid down that "the Lord Jesus, as king and head of his Church, hath therein appointed a government in the hands of church officers, distinct from the civil magistrate." In 1843 it seemed to the Free Church that the State had violated the principle of spiritual independence by refusing to guarantee to the Church the right of irresponsible action in the collation of clergymen to benefices; and in order to be able to put this principle rightly into practice they withdrew from connection with the State. But in doing so they carried all their principles along with them, and among others the principle of spiritual exclusiveness, the duty of the State to put the true Church in a position of supremacy, to the confusion or extinction of all false or pretended churches. And, indeed, if ever there was a time in Scottish history when this principle needed to be specially enforced and testified to, it is, according to Free Church views, the time that has passed since 1843.

The contingency contemplated by the Westminster Confession has occurred. The unity and peace of the Church is disturbed; the heresy or blasphemy of Erastianism is so rampant as to have the patrimony of the Church abused to its maintenance; the corruption and abuse of patronage and intrusion stand in need of prevention and reformation. Now surely is the time to emphasise the duty of the State to

interfere, to see that these anomalies are rectified, and that the pure portion of the Church is made predominant and invested with that patrimony which Knox held it a "detestable sacrilege" to misappropriate. It is true that all this is embodied in the Protest which the Free Church emitted when they quitted the Establishment, in which they "firmly assert the right and duty of the civil magistrate to maintain and support an establishment of religion in accordance with God's word, and reserve to themselves and their successors to strive by all lawful means, as opportunity shall, in God's good providence, be offered, to secure the performance of this duty agreeably to the Scriptures;" yet about six years ago they began to enter into proposals for incorporation with the United Presbyterian Church, whose members hold that to act upon the principle stated in the Free Church protest is sinful, that the State is simply a huge policeman, charged to guard life and property, and whose only duty to religion is to let it alone. This negotiation is the more surprising that the Free Church and its leaders are the very persons who, more than thirty years ago, engaged most hotly in the controversy on Voluntaryism with those whose alliance they are now soliciting, charging them with abetting "national atheism," and indulging in a fierceness of invective which it would be invidious to rake up from the past. They even went so far as to depose in full Assembly an elder who professed Voluntaryism.

The result of the six years' negotiations is, that the United Presbyterian Church, and a large part of the Free Church, have agreed to certain ambiguous definitions of the relation between Church and State, and are satisfied that they may incorporate on the understanding that the whole question shall be left open. In thus expressing willingness to assume a position which must shackle and may extinguish the power of acting out a principle which is valuable only as it is acted out, the Free Church very plainly signifies that it cares little

for the principle. This is made more apparent by the reason assigned for now suspending its application. It is said that there is no chance at present of civil governments establishing the Church on its own terms of independence, and therefore the principle need not be made prominent. The true inference is exactly the opposite. The more negligent civil rulers are of their duty, the more loudly ought the Church to remind them of it. That something so very different from this is resolved on, is manifest proof that the principle is no longer heartily held. It is practically abandoned already, and may soon be so in avowed theory. This must be allowed to be a vast revolution in opinion. The dissolution of the link between Church and State means the reconstitution of the basis of society; and while it is striking that those who claim to be the lineal descendants of the Covenanters should have reached this point, it is made the more striking that they seem to carry popular sympathy with them. In the Free Church Assembly the audience are said to make it difficult for the maintainers of the Church's original principles to obtain a hearing.

Another proof of the loosening of the religious thought of the nation from time-honoured holdfasts, is to be found in the equanimity with which attacks on the Standards and contradictions of their doctrines are listened to by the Church, and the leniency with which cases of what is undoubted heresy in the eye of the law are dealt with by all the churches, as compared with the severity that was exhibited in similar circumstances thirty years ago. Complaints of the antiquated character of the Westminster Confession, and of the pernicious strictness of the subscription to its terms exacted from the clergy, are common. Were all the clergy of the different churches to speak out in public what they think and say privately, it would probably be found that at least the half of them, and that by much the more intelligent

half, are more or less discontented on this subject. The Westminster Confession, as is well known, is greatly more precise in its definitions and extensive in its range of topics than the Anglican Articles. Notwithstanding this, every clergyman at his ordination is made to declare that he "sincerely owns and believes the *whole* doctrine contained in the *Confession of Faith* to be founded upon the Word of God, acknowledges it as the confession of his faith, that he will firmly and constantly adhere to it, and that he disowns *all doctrines, tenets, and opinions whatsoever, contrary to, and inconsistent with,* the Confession." The United Presbyterian formula is less minute, but is practically equivalent. In the light of this arrangement, the license of statement accorded by the public and the Church Courts to various clergymen of greater or less note, is significant.

Mention has already been made of two distinguished Presbyterian divines, Dr. Candlish and Dr. Cairns, and their divergences from the Westminster account of creation. The Confession most distinctly and unequivocally asserts that God "made of nothing the world and all things therein, whether visible or invisible, in the space of six days." Dr. Candlish, in a work on *Reason and Revelation,* denies this to be accurate, or an accurate interpretation of Scripture; and Dr. Cairns, in a pamphlet on *Essays and Reviews,* affirms that the interpretation is still a matter encumbered with an "outstanding difficulty." The gravity of such declarations in connection with the scriptural defence of the Sabbatarian theory is obvious, yet neither of these divines has ever been taken to task by his superiors, or complained of by the people.

The Rev. George Gilfillan of Dundee is another Dissenting clergyman who has expressed himself very freely about the Confession and its contents. Mr. Gilfillan, it may be mentioned, is regarded by the United Presbyterian Church as one of their chief ornaments, both in respect of his pulpit oratory and his

performances in literature. He condemns, in sweeping terms, creeds in general, and subscription to them, and his sentiments as to the Westminster Confession may be gathered from his published statements. "My friend, Dr. Anderson of Glasgow," he says in one place, "went down to the Presbytery of Glasgow, three years ago, with a copy of the Confession of Faith, marked in nine places as opposed to the Word of God and to common sense. I think ninety places, instead of nine, could have been thus objected to." Elsewhere he describes the Shorter Catechism as "a very excellent work, but full of blunders." Mr. Gilfillan, however, is subjected to no annoyance from the Church Courts of his communion, and attracts the people in crowds to hear him wherever he preaches.*

The ancient Scottish horror of Popery is well known, and in the Standards of the Church it is not recognised as a form of Christianity at all. Yet Dr. Cook, one of the most eminent clergymen in the Establishment, an ex-moderator, and the principal clerk of the General Assembly, also by hereditary connection and natural ability the leader and adviser of the old moderate or constitutional party in the Church, does not hesitate publicly to describe the Pope as "a Christian bishop," although the Confession of Faith defines him as "Antichrist, the man of sin and son of perdition, that exalteth himself in the Church against Christ, and all that is called God." Dr. Cook also advocates the education by the State of Roman Catholic children in the tenets of the Church of Rome, although he has confessed, and subscribed it as part of his faith, that that Church is "no Church of Christ, but a synagogue of Satan." The profession of these sentiments, it

* Since this was written, Mr. Gilfillan has been threatened with a prosecution by a fellow-churchman, but with no other result hitherto, than the evoking of a strong expression of sympathy with Mr. Gilfillan from the press.

need scarcely be said, is generally regarded as very creditable to Dr. Cook.

Another ex-moderator of Assembly, Dr. Crawford, Professor of Theology in the University of Edinburgh, an acute controversial writer, has shown signs of feeling uneasy within the bonds of the strict Calvinism of the Confession. According to the doctrine of the Confession, God is not the Father of mankind, but only becomes the Father of the elect after they have been justified. The rest are devil's children. Dr. Crawford proclaims the universal Fatherhood of God to the whole human race, saint and sinner, Christian and heathen. For this defection from the spirit of the Confession, he has been somewhat sharply criticised by Dr. Candlish, and by another Free Church divine, Mr. Kennedy of Dingwall, author of that curious work, *The Days of the Fathers in Ross-shire.* His vindication of the universal Fatherhood of God has not, however, sunk the Professor in the esteem of his fellow-churchmen, although some of them apprehend that when applied to the orthodox doctrine of election and reprobation, it is apt to present the Deity in the character of a capricious and unnatural parent, who has made favourites of one part of his family and outcasts of the other.

The memorable controversy on Dr. Norman Macleod's theories of the abrogation of the Decalogue and the position of Sunday observance in the Christian life, is another important indication of the state of public feeling as to the free discussion of doctrinal themes. There can be no doubt that Dr. Macleod's views conflict with the letter of the Confession, and if followed out might involve some startling applications; but their promulgation has in no way diminished his well-merited reputation and influence. Only last year he was elevated by the consent of all parties to the Moderator's chair, from which he delivered an address as catholic in spirit as it was eloquent in expression, recommending, among other things, liturgical

improvements in Presbyterian worship, the relaxation of subscription, and the simplification of creeds, or at all events the very tender application of them in restraining the "liberty of prophesying." Principal Tulloch of St. Andrews also, who has perhaps done more than any living Scottish churchman to liberalise the tone of religious thinking throughout the country, not only enjoys, on that very account, general consideration and respect, but experienced comparative impunity even from the narrower section of his own Church, when, not satisfied with expressing accordance with Dr. Macleod's opinions, he went so far as to declare that in its Confessional form, justification by faith is a dogma that is "fading from the minds of thoughtful men."

If there is any question which is clearly pronounced upon by the Westminster Confession, it is that of marriage with a deceased wife's sister. The Confession distinctly affirms that such marriages are anti-scriptural and incestuous. Several members of the Church Courts of the Establishment, however, some of them in the face of the General Assembly itself, have gone directly in the teeth of the Confession, and affirmed their belief that such marriages are according to Scripture. In the United Presbyterian Church it is well known that a very large proportion of the clergy hold the same view. Fifteen or sixteen years ago, the subject was debated to a division in their General Synod, with a disappointing issue to persons of conservative feeling. One of their most learned theological professors declares the Westminster doctrine untenable; and it is a remarkable fact, that when all the Church Courts both of the Establishment and the Free Church were busy last year petitioning Parliament against Mr. Chambers's bill, scarcely a Court of the United Presbyterian Church, conspicuously not their highest Court, petitioned against or even discussed the measure. There is no outcry, however, in any of their churches against the clergy who contradict the Confession on this point.

The doctrine of the Atonement is a vital doctrine of the Confession; and the question of what is called the Extent of the Atonement is intimately bound up with the Calvinistic character of the document. According to its teaching, Christ died as a substitute or atonement for the elect alone, and in no substitutionary or atoning sense for others. These latter receive a share of temporal blessings, inasmuch as they inhabit a world in which the elect reside; but they are not intended to participate in salvation. The question accordingly has been raised, How can an honest offer of salvation be made in God's name to all men, if there is a number for whose salvation He has made no provision, and whom He does not intend to be saved? The impugners of Calvinism say, that in the circumstances supposed, no honest and fair offer can be made by God, and that therefore the Calvinistic scheme should be renounced, as an impossible representation of the Divine character. The true and thorough-going Calvinist, on the other hand, says that he is not able, indeed, to answer the question; but that it is not his business to answer it. He finds a limited atonement affirmed in the Bible, and also he finds that preachers are there commanded to make a universal offer of it. He must therefore believe both these matters, or become an infidel; and as he has no intention of assuming the latter character, he will obediently carry the offer of salvation among all men he can reach, being assured that none of the elect among them will miss accepting it. There has always, however, been a class of theologians unwilling to forfeit the reputation of Calvinistic orthodoxy, but equally unwilling to admit that the honesty of God, in offering through His messengers, to a certain class of persons, a salvation which He has not provided for them, and does not mean them to accept, cannot be vindicated to ordinary reason. Accordingly, they have maintained, that while Christ in his death was the substitute of the elect alone, his substitution had further such a

relation to the rest of mankind, that the legal obstacles to their salvation are taken away, and God can quite sincerely say to them, "I have made every external arrangement for your salvation, and the only thing wanted is your own consent."

Any one, however, who understands the Calvinistic system as defined in the Confession, must see that this reasoning involves a contradiction. The only way in which, according to the Confession, God could remove the legal obstacles to the salvation of the reprobate, is by substituting Christ as an atonement for their sins; and thus the attempted explanation issues in this absurdity, that Christ died as substitute for the elect alone, and for the rest of mankind also. It is somewhat curious that there should be so much anxiety to rationalise the Calvinistic scheme at this point in its development. The only difficulty that should be experienced is with the root-doctrine of Election and Reprobation. Any person who has seen his way to accepting, as consistent with the goodness of God, that He should permit a large portion of the human race to sink into everlasting torment, when, without trouble to Himself, he could effectually prevent it, ought to find no difficulty at any of the subsequent stages of the system. The fact, however, that at a link so far down in the chain as the Extent of the Atonement, an attempt should be made to explain the divine procedure on the principles of common human sincerity, is an indication, on the part of those making the attempt, of a stronger leaning towards man's own intuition of rightness and goodness, in framing the idea of God, than towards the admitted interpretation of the letter of Scripture. In the words of the late Principal Cunningham, of the Free Church, one of the highest modern authorities on the meaning and history of Calvinism, this attempted explanation is "very well adapted to a transition state of things, when men are passing from comparative orthodoxy on this subject into deeper and more important error."

Whether "error" is the term to employ will be questioned by many; but, at all events, it is important change—and the tokens of this change in the religious thought of Scotland are unmistakable. From twenty-five to thirty years ago, the communities now forming the United Presbyterian Church began to be tinged with this more humanised view of the character and dealings of God, and a professor of theology, who had endeavoured to explain away the rigours of Calvinism in the manner already described, and who was prosecuted for heresy by some of the more orthodox members of the persuasion, was acquitted by a majority of the Church Court which tried him. Since that time the mitigated doctrine has prevailed among the United Presbyterian clergy. These facts have been urged by the conservative party in the Free Church as a reason for declining to incorporate with the United Presbyterians; but the progressive party have not regarded them as forming a material obstacle. Indeed, Dr. Candlish, who may be regarded as a representative of the advancing section of his communion, has announced that he would not be a member of a Church which should hold what is strictly the doctrine of the Westminster Confession on the question. When it is remembered that nearly thirty-nine years ago Dr. Macleod Campbell, author of a profound work on the Atonement, then minister of Row, was deposed by the Church of Scotland for teaching substantially the same doctrine, it will be seen that a very great revolution in sentiment has occurred during the interval.

But perhaps the most significant symptom of the state of public feeling as to the importance of traditional orthodoxy is connected with a process for alleged heresy on the inspiration of Scripture, adjudicated on by the General Assembly of the Free Church about two years ago. Dr. Walter Smith, of Glasgow, a Free Church divine of great eloquence, author of *The Bishop's Walk* and other poems that enjoy a high reputa-

tion, was found to have made some very startling statements about the continued authority of the Decalogue and the Old Testament generally. He appears to have been struck by a principle laid down by Dr. Candlish in a publication on Inspiration, to the effect that in his dealings with ancient Israel God "was in some sense laid under a restraint," so that certain matters could not be "regulated exactly as absolutely strict principle demands." From this Dr. Smith appears to have drawn, not unnaturally, the inference that without some external and authoritative guide we never can be sure, in reading the Old Testament, that we are confronted with the real and full will and mind of God. Accordingly he taught that, except where it stated self-evidencing spiritual and moral truths, the Old Testament was to be regarded as authoritative only where its utterances were corroborated by the New. With respect to the Decalogue, he taught that it was an imperfect exhibition of moral law, and that it was perpetually obligatory only as it was moral, pointing manifestly to the temporary, because arbitrary, character of the religious observance of one day in seven. These opinions are plainly repugnant to the Confession of Faith, which teaches with respect to the Decalogue that it is perfect, and perpetually binding, not as it is moral, but as given by God; and, with respect to the Old Testament, that the whole of it is authoritative except the ceremonial and local elements in the Jewish law of Church and State. The matter became the subject of frequent and protracted proceedings in the inferior Church Courts, a strong tide of popular sympathy running in favour of Dr. Smith, who tried to explain away his views into orthodoxy, without much success.

When the case was brought before the General Assembly, Dr. Smith's explanation was, amid considerable opposition, accepted as satisfactory. It will be seen that the Assembly was not hard to satisfy, when the sum of what Dr. Smith said

was merely this :—"I hold most firmly the immutability of all Divine moral law, and that the Decalogue contains a divinely-authenticated summary of that law, which is everlastingly binding; only that the New Testament contains a fuller and clearer statement of that law; *Second*, That the Scriptures of the Old and New Testament are the Word of God, and the only rule of faith and manners; and farther, that their organic relation is of such a nature that the Old Testament does not derive its authority from the New, but that both together are a complete revelation of the Divine will. I therefore now, as always, unhesitatingly disclaim any opinions at variance with these principles, which have been ascribed to me, as supposed to be taught in any of my sermons." The fault of this disclaimer is that it is ambiguous in its reference to the things to be disclaimed. The opening clauses of each statement seem explicit enough, but under cover of the qualifying clauses by which each is balanced, it is still possible to maintain that the Decalogue is imperfect, and perpetual only as it is moral, and that much of the Old Testament, and indeed of the New, may not be authoritative. That three-fourths of the General Assembly should have smothered a prosecution for heretical teaching on so vague an avowal of orthodoxy, is surely evidence, if not of considerable latitude on their part, at least of a feeling that the state of popular conviction is not compatible with severe discipline in such a matter. Twenty-eight years ago Thomas Wright, the accomplished and highly respected parish clergyman of Borthwick, was charged with errors that could not possibly be more fundamental than those ascribed to Dr. Smith, but was deposed, in face of a proposal to confer with him for explanations which he was presumed to be willing to offer. *Tempora mutantur.*

More than enough has been adduced to show that the attachment of the Scottish mind to its traditional orthodoxy

has been extensively undermined, even where it may not be suspected, and would be denied that it is so. How far precisely this process has gone may perhaps be approximately estimated by the result of a case which acquired considerable notoriety during the summer of last year, under the name of the Coupar-Angus Heresy case. Here a layman was charged with an amount of unbelief inconsistent with church membership. The authorities did not pursue the case to its ultimate issue, but enough was brought out to show their notion of the dimensions of an ordinary layman's creed. The gentleman accused made no secret of rejecting Calvinism. At one time this would have settled the matter, as the true and original idea of church membership seems to have been bound up with a profession of belief in the whole Articles of the Church. In this case, what was insisted on was simply belief in the inspiration of Scripture and the divinity of Christ. Nor did it appear that any very scientific or closely-defined sense of these doctrines was required. The object of suspicion has published, with impunity hitherto, a pamphlet, in which he disclaims belief in the infallibility of the letter of Scripture, makes the inner sense of truth and right the fountain of the authority ascribed to it, and does not hesitate to express his opinion that the Levitical law, instead of having been promulgated by Moses in the wilderness, had its growth under the monarchy.

Probably the Church authorities in this instance hit the average faith of the Scottish laity. They have a profound reverence and affection for the Bible as a whole, which they think well expressed by saying that it is inspired. They have a not less profound veneration and affection for Christ, which they think well expressed by saying that he is a Divine Redeemer. These convictions spring spontaneously out of the contact of their spirits with the Bible, and are capable of forming a foundation on which a new and living theology might be built up in the mind of the nation by the

free action of the Christian intellect on its appropriate objects. But if the churches insist on maintaining the traditional theology by the present method of binding the clergy to profess and teach it under penalty of forfeiting their living, the same result may by-and-by be brought about in Scotland that is already exhibited in Germany. The intelligence of the country may depart from the churches, leaving an artificial and lifeless orthodoxy, with which they cannot sympathise, to be taught to stolid peasants or superstitious women.

3. The Church politics of Scotland centre in the question of the continued existence of the Established Church. The recent disestablishment of the Church of Ireland has quickened the fears of those who wish to maintain the Scottish Establishment, and has, in a like degree, flushed the hopes of its opponents. The latter speak confidently of its approaching downfall; and the Liberation Society have marked their sense of the nearness of that event, and the ease with which it may be brought about by offering a prize of £25 for the essay that shall most effectually ensure its destruction. It must be remarked, however, that the circumstances of the Irish Establishment were very different from those in which the corresponding institution in Scotland stands. The first duty of the civil magistrate is to preserve the public peace, and it was a perfectly relevant argument that as the Irish Church was part of a system of things that was productive of permanent and not unreasonable national exasperation, and could not be modified so as to meet the necessities of the case, it must be sacrificed. But the Scottish Establishment is otherwise placed. It forms no violent irritant to the religious antipathies of the nation. The rest of the community do not believe, as the Irish Catholic must have believed of his Protestant Establishment, that its services minister to the perdition of souls, but value them highly when well performed, attend them occasionally with satisfaction, and

regard them as a substantial contribution to the well-being of the nation.

Neither is the Scottish Establishment a badge of national conquest, unless it be the conquest of Episcopacy by Presbytery, which cannot be very galling to Presbyterians. Nor does the marked disproportion between pay and results, which offended the eye of economists in the Irish Church, characterise the position of the Scottish Church generally. In the north-western counties indeed, or, speaking roundly, the mainland beyond the Caledonian Canal, with the Hebrides, embracing the most superstitious* and the most uneducated† of the Scottish population, the Establishment is at a very low ebb as regards adherents; but throughout the rest of Scotland, it is shown by the returns of the Educational Commissioners and Registrar-General, to be adhered to by above 46 per cent of the population, and not only far outnumbers any other single denomination, but is in very considerable excess of all the other Presbyterian denominations united. The feature that it has in common with the late Irish Establishment lies in its being an offence against theory. This, however, constitutes a formidable danger. Society, especially in the democratic stage, presses on towards the realisation of its idea; and institutions that refuse to conform to the idea ultimately fall. An Established Church contradicts the idea of a State that has adopted the principle of toleration. It was philosophically consistent in the days of Knox, when it was the duty of the king to put to death persons who went to Mass or denied the Trinity. But it began to be unreasonable at the Revolution, and it is more unreasonable now that Catholics and Jews sit in Parliament and share in State functions.

* See Mr. Kennedy's *Days of the Fathers in Ross-shire;* and Mr. Auld's *Ministers and Men in the Far North.*

† See the Registrar-General's return of marriages signed by marks.

In a condition of things such as this, the State, or enfranchised population acting through its representatives, has no creed. The State is the aggregate of the social forces which it represents, and where a number of opposing creeds, admitted to be equally entitled to respect, converge into one centre, the ordinary statical law holds — the resultant is nothing. The tolerant State in its State capacity has no creed. It labours under a paralysis of opinion as to dogma. It is a Sceptic. Accordingly, when such a State takes a particular set of doctrines, and devotes national funds to their promulgation, it assumes a false position. Unable to discern dogma, it preaches. Believing nothing, it urges the belief of much. It thus enacts a fallacy. And it is this practical paralogism which the democratic spirit accepts so impatiently. Without, perhaps, putting the matter propositionally before its judgment, it feels the establishment of a particular Church by a perfectly tolerant State to be irrational; to be foreign to the pattern after which it is seeking to shape society, and so it labours to be rid of it. This is the root and the justification of Voluntaryism, and the true meaning of it. There is a class of persons in Scotland who may be called Biblical Voluntaries, who argue that the Bible restricts the support of religious ordinances to voluntary contributions. It may safely be said, however, that no average Scotchman really believes the Holy Ghost to have revealed that the ministers of religion should never be paid out of teinds, and only out of pew-rents and church-door collections. Voluntaryism is a political, not a religious sentiment, though not the less respectable on that account.

Voluntaryism, being an appeal to idea, ought to be consistent with idea. But as at present professed, and sought to be practised, it is not so. It not only insists that the State cannot establish any particular Church, but also that it cannot erect any kind of religious establishment, cannot exercise any

kind of control over religion. This does not follow. The State may quite accurately say, "It is true I am incompetent to single out any particular creed and recommend it to you. But religion is a very important social force, capable of developing into gigantic and formidable superstitions, that may seriously embarrass State action and lead to grave public disasters. It is my interest, therefore, to regulate it by such means as are proper for me to use, so that its action may be confined within the limits of right reason. And though I do not know what is the true religion myself, nor even whether such is discoverable, and cannot therefore recommend any, I can do something to ensure that you shall have the best chance possible of reaching what is true. I can call into existence a body of learned men, taken bound to devote themselves to this subject. I can secure that they are both diligent in their duties and perfectly free in the search and expression of truth. I can arrange that from time to time they shall, by their joint labours, issue or revise a declaration or creed of what seems to them, or the most of them, the truth upon the chief questions of religion; and that in their stated instruction of the people they shall read and expound this declaration, and explain the grounds on which the general body of their fellow-instructors have arrived at it,—being at perfect liberty, however, to state and defend whatever may be their own individual convictions. Thus both teachers and taught will be influenced in the formation of their religious faith by the combined and interactive influences of individual originality and the best collective wisdom; and by means of this organisation of free intellect and learning, I shall place the best attainable regulator upon the dangerous vagaries of the religious instinct."

Something like this seems the fair and full development of the idea of which Voluntaryism is a one-sided utterance. It conforms to the condition of religious equality,

precluding the favouritism which is impossible to a tolerant State. It provides for the duty of a wise State to regulate religious action. The fallacy and weakness of Voluntaryism is that it denies this duty. It affirms that religion will do very well without State regulation or interference of any kind. "Look," it is said, "at the zeal and amount of money raised in voluntary religious bodies." No one questions the certainty with which zeal will be forthcoming.* The religious craving is part of human nature, and it will always seek to gratify itself; and often it is the most foolish and fanatical religion that is the most zealous, and the most willing to pay for its gratification. But is this of no consequence to a wise State? Does it matter nothing to it whether religious zeal tends to sense or nonsense, to wholesome or dangerous theories? It is certainly the testimony of history that when religion is left to take care of itself, left to grow into any shape that can be given to it between priests and people, without the organised application to its development of the best reason in the community, it is too apt to assume forms that react disastrously upon the commonwealth. The Brahmans become a burden to the Kshatriyas; the Pope troubles the Emperor. It is a vague presentiment of this danger that retards the triumph of Voluntaryism on the field of theory. People feel that it will not do to say that Government has absolutely nothing to do with so potent an agency as religion; and although they may regard an Established Church as abstractly indefensible, they admit that this much is to be said for it, that it is a recognition of the State's duty to watch over the workings of religion.

The essential wrongness, however, of this method of

* The Church of Scotland contributed last year £153,000 to philanthropic objects, and the year before £165,000. Its endowment is about £190,000 annually. As a voluntary society it would probably be self-sustaining, but that is not the question.

performing the duty will not be permanently condoned, and Voluntaryism must eventually be victorious, both on its true and its false side, unless the latter be met by a fearless demand for the execution of the right idea of a tolerant State's function in religion; in other words, for the transformation of the Established Church into an institute of free religious thinkers and teachers for the nation. The only chance of perpetuating the existence of the defensible element in Established Churches lies in the success with which this transformation can be approximated. Of this success there is not much appearance in Scotland at present. The great majority of the defenders of the Establishment would scout the notion of an institute of unpledged religious teachers, or free "clerisy" as Coleridge would have termed it. They would say, "This is a body of philosophers, not a Christian pastorate," apparently forgetting that if Christianity is true, and *veritas prævalebit* is a sound maxim, the action of an organised body of unpledged thinkers could result only in the teaching of Christianity. They would further say that were the ordinary bonds of formula removed, the most bewildering diversity of teaching would ensue, not remarking that by such a plea they admit that the present "happy" uniformity is the result of force and fear rather than of conviction, and avow that they prefer peace with pretence to truth with agitation. In the General Assembly six to one of its members declared their wish that the Irish Establishment should be preserved, on the ground that it was the duty of the State to select and establish the "truth." Such obsolete defences can only hasten the demolition of the institutions they are meant to buttress.

It is to be hoped that those who see more clearly how the danger ought to be met, if unsuccessful in procuring recognition for their views in the full sweep of their application, will succeed so far as to procure the destination of the

revenues of the disestablished Church* to the promotion of the higher education; and, among other parts of such a scheme, the formation of a true theological faculty in the Universities, and to some extent in local gymnasia, so that theology may be prosecuted as a science, by investigators free to think and express their thought, and not as at present by creed-bound and sectarian functionaries, whose work is simply to discover or invent arguments calculated to impart plausibility to foregone conclusions. After a free parochial clerisy, that would seem to be the next best preservative against the evils of unregulated religious ignorance and fanaticism, and would surely be a use of the funds liker their original purpose than the support of lunatic asylums and national sick-nurses.

Possibly, however, in an old country like this, the question of Church Establishments may not be easily made a subject of legislation on abstract principles, as seems to have been done in the United States and the most important of our own colonies. Some grave practical grievance or abuse must probably be shown before the question can be raised in a formidable shape. One such abuse undoubtedly exists already in connection with the Scottish Establishment. As previously mentioned, in the Highland counties beyond the Caledonian Canal, the Establishment can claim only a small fraction of the people. This district contains a population of over 240,000, or about 7 per cent of the entire population of Scotland. Its statistics have the peculiarity of exhibiting the lowest percentage of illegitimacy, and the highest percentage of inability to write, attained by any part of the country. In this quarter, though in this quarter alone, the Free Church is greatly in the ascendant. The following table, showing how the three leading Presbyterian denominations divide the

* The gross teinds or tithes of Scotland were estimated by the Commission on Religious Instruction of 1837, at £330,000 per annum. All this is applicable, though not all actually applied, to Church endowment.

population of the district among them, is compiled from the Registrar-General's marriage returns during the last six years, which show what number of the total marriages celebrated in the different localities are performed according to the rites of the different churches; and from the returns of the Education Commissioners, which show, under different heads, the number of pupils on the school-rolls belonging to all the denominations throughout the country.

Percentage by		Caithness.		Sutherland.		Ross and Cromarty.		Inverness.	
Establishment.	M	24·32	Aver.	9·1	Aver.	11·37	Aver.	38·3	Aver.
	E	16·1	20·2	9·6	9·35	7·7	9·53	24·2	31·25
Free Church	M	65·61	...	90·5	...	80·6	...	45·2	...
	E	71·8	68.7	87·5	89	85	82·8	54	49·6
United Presbyterian	M	3·3	...	0	...	1	...	3·6	...
	E	3·8	3·5	0	0	1	1	·13	1·86

The bearing of these figures cannot be fully appreciated without observing how matters stand with the rest of the country. The same sources of statistical information that have been already quoted determine the proportion of the different Presbyterian Churches to the whole population as follows :—

	Establishment.	Free Church.	United Presbyterian.
Percentages of marriages in 1867 . . .	44·5	23·64	14·35
Percentages of marriages for 13 years . .	44·89	23·53	14·19
Percentages by Education returns . .	44·4	26·2	10·7
Average .	44·59	24·45	13·08

Another source of statistics is the return made by the different Churches of the number of their communicants or

average attendance at worship. The United Presbyterian Church alone furnishes complete data by which to calculate the ratio between communicants and average worshippers; and proceeding upon their figures and those furnished by the other Churches, we have the following:—

	Establishment.	Free Church.	United Presbyterian.	Total.
Communicants .	473,385	230,848	171,279	875,512
Average attendance	545,110	265,825	194,857	1,005,792

In the absence of any strictly religious census, which it may be hoped will not be omitted in 1871, it is worth remarking how these different and entirely independent sources of information corroborate each other. The educational support the marriage returns with certain small explainable divergences. The two together show that the three great Presbyterian Churches form 82 per cent of the total population of 3,205,481. This assigns to Presbyterianism 2,628,494. Deducting one-sixth for persons who do not attend worship, there remain 2,190,412 adherents. From this deduct one-third for children under twelve, and there remain 1,460,275 of what in law are called "examinable persons." Of these examinable persons, two-thirds is the number presumed by the law to be in average attendance at worship, which in the present case amounts to 973,517,—a sum so near the average attendance given by the Church returns, that, making allowance for the tendency of churches to report their strength over rather than under reality, we may take the marriage and educational average as tolerably near the truth. As, however, this average is given for the country generally, without distinguishing between Highlands and Lowlands, we may rate the Lowland proportion a little higher for the Establishment, and a little lower for the Free Church.

Speaking then in round numbers, the Free Church claims in Caithness 69 per cent of the people, in Sutherland 89, in Ross and Cromarty 83, and in Inverness 50. In the adjoining small county of Nairn it is also in a majority, and counts 43 per cent. The average in the region beyond the Caledonian Canal is thus 73 per cent for the Free Church to 17½ for the Establishment. Throughout the rest of the country the Establishment is in a majority in every district, reaching about 46 per cent of the whole population to about 23 for the Free Church, and 13 for the United Presbyterian; or 10 per cent beyond the two combined.

It is in such circumstances that the General Assembly of the Establishment has resolved to ask the Legislature to transfer the patronage of the parochial benefices from individual patrons to the people attending the parish churches. It seems impossible that, when the Highland counties are looked at, serious questions should not be raised in Parliament. That over a large district public revenues should be spent with no better result than satisfying 17 per cent of the people—in great counties only 9 per cent—looks sufficiently ill; but to transfer the patronage of those revenues to the 17 or 9 does not promise an improvement. Probably the idea is more likely to occur, that if any transference is to be made, it should be in the direction of the 73 or the 89, if they will take it. But will they take it? That is a question which cannot be answered till the experiment be made. There are, however, considerations that may be noted. The division-lists of the Free Church Assembly show that on Establishments the Highland clergy are comparatively conservative. An endowment for the Highlands would enable the Free Church to augment the stipends, too meagre at their best, in the Lowlands. The principle of sectional establishment has been already accepted by Scotland, when at the Revolution, in spite of Cameronian protests, and again at the Union, she consented

to see Prelacy endowed in England. If the Tweed can establish a principle, the same prerogative may reside in the Caledonian Canal.

On the other hand, can the Free Church consistently accept endowment, even though unconditional popular election of ministers is guaranteed? Can she accept anything short of her claim of spiritual independence—that is, the irresponsible power of doing as she likes in any matter she likes to call spiritual? And can any State grant such terms? If it should be found impossible, by any device, to give the Free Church a share proportioned to her numbers in the proposed transfer of patronage, there seems a favourable opening made in the Highlands for a voluntary movement towards disestablishment, and the application of revenues* that are confessedly doing little public service to some useful purpose congenial to their original design.

In the Lowlands a practical grievance would arise were the majority of the nation to become Voluntary. The turning of the scale in this matter lies with the Free Church. As long as it remains at its present position nearly 70 per cent of the nation consents to an Establishment, differing among themselves only as to the improvements that should be effected on it. But if the Free Church assume the Voluntary position, more than a half of the population will be against all Establishments. As has been already explained, the great majority of the Free Church seems preparing for the descent into theoretical Voluntaryism; but with their present documentary Standards they cannot decently do this until they are merged in the proposed New Church, and outvoted, possibly not much against their will, on the first occasion that the question arises.

The probability of union between the Free and United Presbyterian Churches has thus a most important bearing on the question of Establishments. At the present

* Probably from £20,000 to £25,000 annually.

moment the auspices do not seem to indicate immediate union, although it must come ultimately. There is a considerable party in the Free Church, led by Drs. Begg, Gibson, Forbes, Wood, Bonar, and others of high character and ability, who seem earnestly, even fanatically, attached to the full and original principles of the Church, and have declared firmly against union. If the character of the rupture is to be judged of from the bitterness with which the organs of the two parties are written, it must partake of the nature of an irreconcilable quarrel. The numerical strength of the party opposed to union can hardly be despised. At last General Assembly, when the question was simply "Whether they should pray over the Union movement for a year?" 89 refused, and 429 consented. The majority is large, but of the 89 recusants 55 are clergy, a larger proportion than in the majority. As the General Assembly represents a third of the whole church, it seems fair to conclude that about 170 clergy and congregations at least would stay out of the Union if now carried through.

That would imply a church larger than either the Roman Catholic or Episcopal communion, and considerable not only in numbers but in influence. It seems hardly possible to proceed in such circumstances. Moreover, difficulties are conceivable with respect to the disposal of Free Church property in the event of a change of constitutional basis. It is by no means a clear point in law how far churches are entitled to change their creed and retain the church property in face of a faithful minority who claim it. The question of National Education, too, is likely to cause delay. The United Presbyterian Church has, by repeated Synodical declarations in 1847-50, 51, 54, 55, 59, 65, testified against the sinfulness of applying State-funds to the education of children in the principles of religion. The Free Church, on the other hand, desires the "use and wont" of Scotland in religious education

—that is, the teaching of the Bible and Shorter Catechism, to be maintained in National Schools.

At first sight it seems impossible to reconcile these two views; but last year the United Presbyterians resolved, that if the people of any parish acting under authority of the State, agree in applying State-funds to religious education, no sin is committed. This distinction many Free Churchmen, as well as others, have not been able to understand and fear that those who draw it may not stand by it, especially as it would make it quite consistent with Voluntaryism to support an Established Church, provided the election of the clergyman were left with the whole parishioners—a plan which, it may be remarked in passing, has its recommendations as a rough method of reconciling Establishments with religious equality, and might be practicable could ecclesiastics be persuaded to love fair play better than power, and to believe that the free intellect is more fitted than the fettered to render service to truth. Meantime, with the view of seeing into what position the United Presbyterians will ultimately fall as to education, and for the other reasons mentioned, many Free Churchmen are unwilling to encourage the Union movement in its present form; and as long as its consummation is delayed, the Establishment has improved prospects of defence from an avowed Voluntary attack.

The churchmen of the Establishment have not remained indifferent to the signs of the times. When the Union negotiations between the other churches were set on foot, they took alarm, and projected a scheme for saving the Church by popularising its constitution through the abolition of lay patronage. There is undoubtedly a certain amount of wisdom in the scheme. The people of Scotland never liked to have a clergyman chosen for them by some other person, and they like it now less than ever. The great secessions which have been made from the Church had their root in the law of patronage, and though the

clergy of the communities so formed have developed other principles of difference from the Establishment, it was supposed that with great numbers of the people the practical grievance is the want of a voice in the election of their clergyman, and that were this grievance removed, they might be induced to return. It was supposed that the experience of the Free Church had shown many of its more intelligent adherents that spiritual independence in their sense of it cannot be realised even out of connection with the State. The freedom they enjoy depends upon the law of contract, and is identical in source and nature with the spiritual independence enjoyable by Jews or Mohammedans. But the Free Church demands that the State shall recognise it as possessed of a religious freedom bestowed by Christ, which it shall not recognise as belonging to Jews and Mohammedans. In other words, the Free Church can enjoy the freedom it claims only as it is in a certain sense and degree established; so that a Free Churchman might possibly imagine his ideal better realised in an imperfect Establishment than under the law of contract. Moreover, it was thought that in the union of the two great Dissenting churches, a number of malcontents from both sides would return to the Establishment. Altogether, there is shrewdness in the scheme. But that is the most that can be said for it.

It is more an effort of political dexterity—of clever churchmanship—than a thoughtful and disinterested attempt to modify the Church after a true ideal, or adapt it to the legitimate and pressing wants of the time. It is too much a device to add to the political power of the Church, so as to strengthen it in fighting a battle of supremacy with its opponents, and too little a candid acknowledgment of the side of truth which Voluntaryism presents, and an honest attempt to approximate as near as possible to religious equality. Its most zealous promoters are the persons who disliked and

strove to put down the late Dr. Lee and his liberalising policy. Hence the measure receives but a half-hearted support from the liberal section of the Church. When they are asked whether they think patronage should not be out of the way, they cannot but assent. It is an anachronism—a relic of feudalism. But to them the true salvation of the Church lies in making it doctrinally comprehensive, so that by embracing as much as possible of the national religious life it may meet the righteous demands of religious equality. To those who are persuaded of this, it can be no recommendation of any policy that it tends to bring back the Free Church, especially its more conservative section, whom the anti-patronage agitators are hopeful of winning. Liberal churchmen feel that a great accession of Free Churchmen might not prove comfortable for them. The first thing Dr. Begg and Dr. Gibson would do on their return, would be to expel Dr. Macleod and Dr. Tulloch.

Such as it is, however, the scheme was launched, and was keenly opposed and twice defeated by the old moderate party, to whom patronage is a sacred tradition. But the disestablishment of the Irish Church seems to have produced the conversion that springs from alarm, for last year the General Assembly by an overwhelming majority resolved to ask Parliament to abolish patronage. What career the movement may run in Parliament, it would be vain to conjecture. Already the Premier has startled the anti-patronage leaders by asking them how they mean to settle with the Free Church. The Free Church certainly do not like the movement. They have said little hitherto, but that little has not been pleasant. They cannot like a measure which, by means of the lure of non-intrusion, seeks to decoy away their strength for the perpetuation of a Church Establishment which, by rejecting spiritual independence as conceived by them, is disobeying and dishonouring Christ. It is possible that they may not present this argument, though a relevant one, to Parliament,

through sheer despair of making intelligible to the English mind how they, who struggled so hard for non-intrusion to themselves, should be unwilling to see it bestowed on others; but it is certain that the abolition of patronage in the Establishment must quicken the hostility of the Free Church, and intensify their inclination to make common cause with the Voluntaries. The more prosperous the Establishment, the worse, they must suppose, for the true cause of Christ and the real good of the community. It is certain, too, that if the privilege of non-intrusion be granted to the Establishment, the Free Church will have ground of complaint against the Legislature. They may say with truth, "Had you given us this measure twenty-eight years ago, we might have been in the Establishment still." But how can they be compensated now? Parliament cannot turn the present clergy of the Establishment out of their livings, to make way for Free Church ministers who demitted their charges at the Disruption. The "rabblings" of the Revolution cannot be repeated.

The most that could be done would be to allow the whole parishioners in any parish to select a Free Churchman, if they wished one, for any vacant parish benefice. To this no liberal Churchman could object if the selection were not confined to Free Churchmen, and if those Free Churchmen who might be selected were kept apart from him and allowed to exercise spiritual independence only upon each other and those who should agree with them. The main objection would possibly come from Free Churchmen themselves, who might not be able to agree with the Legislature as to the terms on which benefices should be accepted. Whether in that case Parliament, in despair of an equitable solution, may raise the question of "levelling down," or, on having explained to them from what source patrons are to be compensated for loss of their property, will simply grant the privilege requested, need not be discussed here. That the

measure would answer all the expectations of its promoters is by no means certain. The Church people themselves might be better satisfied; but the surrounding Dissenters would probably have their discontentment increased. It is in their eyes a set-off to the privileges of Establishment that its adherents have not, like themselves, the choice of their clergyman. Were this difference extinguished, the inequalities of the relative positions would be more keenly felt and resented. It is doubtful whether the danger to the Church from this contingency would be compensated by the number of adherents it would allure from the ranks of Dissent. There is a decided difference of religious tone in the various communions. A genuine Free Churchman does not breathe agreeably in the atmosphere of a Moderate Church, and might not re-enter it though all theoretical conditions were complied with.

The true policy of Church preservation lies in widening its doctrinal basis as the times permit. This alone will conciliate the intelligence of the country (which ultimately leads it) by assimilating the form of the Church to the one type of religious establishment which is defensible in such a constitution of society as our own. Here too the path of policy is the path of duty. If, as has been argued already, the religious thought of the country is moving towards a new point of view, the Church must go there also to meet it, if it means to be instrumental in preserving a living faith within the mind of the nation. To promote such a reform seems the natural work of the liberal party in the Church, and its leaders cannot address themselves to it too earnestly or too soon. They may fail in perpetuating any kind of religious establishment, but no one else is more likely to succeed. In the worst issue they will have done their duty, and will have contributed certain preparations essential for securing the allegiance of the future to piety and truth.

R. W.

ON THE DECLINING PRODUCTION OF HUMAN FOOD IN IRELAND.

So many pamphlets have been written, and so many proposals made in regard to the tenure of land in Ireland, that little additional information can be given on this subject. But all of them imply, either that the agriculture of Ireland is improving, or that it is deteriorating, under its present systems of cultivation. Those, who see deterioration in the conversion of arable land into pasturage, are answered by those who believe in improvement, that the increase of flocks and herds is more than a compensation for the decrease of crops. The subject of the present essay is chiefly to test on which side the truth lies, and was made an object of inquiry by the author, in order to satisfy himself whether Irish agriculture shows any peculiarities that would justify the Legislature in treating its land-questions in an exceptional way from those of other parts of the kingdom.

Few will deny the general proposition that the owners of land are bound to make it as productive as the knowledge of the time and its inherent capabilities admit. If this production of food be the primary object of land in a civilised country, and more especially in a country of limited extent, this function cannot be considered sufficiently performed by owners and occupiers, unless the ascertained power of production is habitually maintained over a term of years that is sufficiently extended to allow for variations of seasons. It would not suffice, according to this view, that land should maintain, or even increase, in rent, unless the production of food at the same time remained constant or increased —for the primary object of land is to produce food, not rent.

This will be still more apparent if we consider the conduct of civilised nations in regard to lands peopled by savage tribes. A savage, living on the produce of the chase, and without the accessories of cultivated land, requires no less than fifty or sixty square miles for his individual existence. Inhabitants of civilised countries, on the other hand, find a subsistence when there are from two to three hundred on each square mile. Hence civilised countries have tried to convince themselves that they fulfilled a moral duty when they took away land from savage tribes, and rendered that productive which the former had allowed to remain waste; and the opinion of nations has, on the whole, coincided with those who have denied an absolute ownership in land to persons unable or unwilling to discharge the responsibilities of owners. If this be true with respect to the savage proprietors of land, it must be at least equally true of those who are civilised; for they are presumed to possess the knowledge which ought to enable them to fulfil the primary object of land capable of cultivation—that is, the adequate production of food for the people.

The simple question before us is one easily separated from all political considerations or traditions and customs of the people. It is simply this—Is the production of human food in Ireland increasing or diminishing? I propose to take a period of eleven years from 1856-7 to 1867-8 as the basis of the inquiry. This is convenient for two reasons. In the first place, the initial year of the period is sufficiently removed from the exceptional time of famine (1846) to make it a fair beginning; and, in the second place, it so happens that we have agricultural statistics for Scotland, as well as for Ireland, in that year, and so can make a relative comparison between two portions of the United Kingdom. The whole period presents an average of production; for though 1860, 1861, 1862, were bad agricultural years, those which succeeded have been specially favourable both as to crops and prices. As the basis of the comparison, I take a condensed table from Mr. Monsell's *Address to the Statistical Society of Ireland*, in 1869.

	SCOTLAND.				IRELAND.			
Crops.	1856-7.	1867-8.	Increase + or Decrease −.		Crops.	1856-7.	1867-8.	Increase + or Decrease −.	
	Acres.	Acres.	Acres.			Acres.	Acres.	Acres.	
Wheat .	243,240	124,683	−	118,557	Wheat .	544,348	286,790	−	257,558
Barley .	182,062	219,515	+	37,453	Barley .	197,042	188,252	−	8,790
Oats . .	928,628	1,011,430	+	82,802	Oats . .	2,009,185	1,699,919	−	309,266
Potatoes.	144,585	166,939	+	22,354	Potatoes.	1,125,675	1,025,949	−	99,726
Turnips .	468,411	488,812	+	20,401	Turnips .	352,249	326,454	−	25,795
	Net Increase		+	44,453		Total Decrease		−	701,135
Live Stock.	No. 1856-7.	No. 1867-8.	No.		Live Stock.	No. 1856-7.	No. 1867-8.	No.	
Cattle .	970,742	1,050,917	+	80,175	Cattle .	3,604,406	3,620,352	+	15,946
Sheep .	5,749,864	7,112,112	+	1,362,248	Sheep .	3,573,273	4,822,444	+	1,249,171
Pigs . .	136,639	139,614	+	2,975	Pigs . .	1,086,855	862,443	−	224,412
	Net Increase		+	1,445,398		Net Increase		+	1,040,705

The general result, as regards Ireland, is that there were 700,000 acres* less under arable crops in the last year of the period than there were in the first year of it; but against this there is the increase of cattle, and we have to ascertain, by striking a balance, whether, on the whole, there has been a gain or loss of food to the nation. The mean annual produce of food crops, excluding potatoes and turnips, is 13·5 cwt. per acre as given by Irish returns,† so that the actual decrease of corn produced in the last year of the period (1867-8), as compared with the first year (1856-7), amounts to nearly 7¾ million cwt. (7,770,789). If we accept the common popular opinion that each man requires one quarter of corn annually for his sustenance, this would amount to a decreased feeding power for 2,040,000 people. The Board of Trade (*Agricultural Returns for Great Britain*, 1868, p. 9) only allow six bushels as the food sufficient for each person in the population. This official estimate would make the

* I have taken 1856-7 for the reason stated, but if we go back twenty years and compare the state of 1849 with that of 1869, it will be found that, instead of 700,000 acres being put out of cultivation, 965,454 acres of cereals have been lost, and only about 50,000 tons of potatoes have been gained by the increase of 323,000 acres of land under that crop.

† This is the mean of actual averages :—

Wheat . . .	13	cwt.
Oats . . .	12·3	,,
Barley . . .	14·9	,,
Bere . . .	14·8	,,
Rye . . .	10·4	,,
Beans and Peas .	15·5	,,
Mean . .	13·5	,,

Certain moderate averages require to be taken in such calculations. I assume

Barley at	54	lbs. per bushel.
Wheat	60	,, ,,
Oats	40	,, ,,
Beans	60	,, ,,
Average	53·5, or 428 lbs. per quarter.	

Hence a quarter equals 3·8 cwt.

above numbers upwards of 2,550,000. But there are chemical reasons for believing that both the popular and official estimates are too low. To supply the waste going on in the body of an average man, a daily allowance of three ounces of "flesh-formers" should be supplied in food. Now, to provide that amount by corn of average quality would require 480 lbs., or 4·4 cwt. per annum, instead of 428 lbs. Taking this higher equivalent, the number of people who could have been fed by the excess of food grown in the form of corn in the year 1856-7 amounts to upwards of 1¾ million. To this must be added the number of persons who could have been supported on the increased produce of potatoes in that year. Beginning again with a popular estimate, each acre of potatoes is supposed to be able to support 2½ persons; and there were 99,726 acres more in our initial than in the final year. This number indicates a further loss of feeding power equivalent to nearly 250,000 persons. But I think that this estimate is much too high in the present low state of Irish production—the average crop of potatoes having now sunk to 3½ tons per acre. That tuber contains only 1·4 per cent of "flesh-formers." At the rate of three ounces daily, no less than 2·2 tons yearly would be requisite for each person; so that the number of persons that could have been adequately kept upon the excess of that crop in 1857 would not exceed 160,000. Adding this loss to that of the cereals, we obtain an aggregate loss of vegetable food in 1867-8 as compared with 1856-7, amounting to upwards of 1,900,000 people. In an approximative comparison such as this, it is useless to estimate how much of the barley is used for distillation, and of the oats for horses.

But the increase of animal food has now to be brought into the calculation. The increase amounts to—

Cattle	15,946
Sheep	1,249,171

But an allowance has to be made for a decrease in pigs to the extent of 224,412. In order to estimate the food-value of live stock I have requested Mr. Rutherford, the intelligent superintendent of the great public slaughter-house in Edinburgh, to give me the average weights of the carcases killed there—averages deduced from animals of all ages, breeds, and conditions. These are—

Cattle	.	630 lbs.
Sheep	.	62 „
Pigs	.	168 „

These are not such high averages as would result from the experiments of Lawes and Gilbert; but being obtained from a very large experience, give us fairly reliable numbers, and are certainly in excess of the lean beasts on Irish pastures. The simplest way of ascertaining the effect of the increase in the period selected is to assume that all the cattle are killed and consumed as dead meat, for we are thus saved from complex considerations as to dairy produce. On this assumption, the existing Irish must be supposed to be as fond of meat as their ancestors were, when the Spanish Royal Commissioner reported to Philip II., in regard to them, "*Comiendo mucho carne y poco pan.*" Confining them, for the purposes of calculation, to a meat diet, it is fair to allow to each person a daily supply of 1½ lb., being half-a-pound less than was allowed by Henry VIII. to his soldiers. According to this allowance, 159,953 more persons could have been fed by the increase in cattle and sheep in 1867 than could have been fed by animal food in 1857. From this must, however, be deducted the loss occasioned by the decrease of pigs. By this decrease food was lost for 68,900 persons. In round numbers the increase of animal food in 1867 would have fed only 90,000 more persons than the animal food of 1857. If we attempt to control this popular estimate, in the same way as we did in the case of

vegetable food, by allowing to each person in the population three ounces daily of the albuminous constituents of food, then the following values arise :—

1	average	bullock	affords	animal albuminous material	for	1½	man.
9	„	sheep	afford	„	„	1	„
3½	„	pigs	„	„	„	1	„

Using these coefficients, we find that the increase of animal food in cattle and sheep corresponds to food for 162,704 men ; from which must be deducted the population which could have been fed by the excess of pigs, and this amounts to 67,400 men. Hence, in round numbers, the nutritive method* leads us to 95,000 persons, a result close to that given by the popular method of computation.

The answer, then, to the question,—Is there any variation in the food-producing power of Ireland in the year 1856-7, as compared with 1867-8? is that, during this period, that country has lost the power of feeding at least 1,800,000 of her population. This result has been studiously understated.

If we ask whether this falling-off in feeding power is justified by her diminished population, the answer is easy to find. Last year 9,950,122 cwts. of corn were imported into Ireland, and this corresponds to the food of 2,260,000 people. Hence there is a demand for the food, most of which the land of Ireland did produce in 1857, but failed to grow in 1867.

During our period of comparison the Irish people should have increased by at least half-a-million (really by 600,000), supposing that there had been no emigration. An exodus upon a large scale is, however, the necessary result of the lessened production of human food, the probability being that there are now 250,000 people less than in 1861.

* In these calculations the following averages from the estimates of Lawes and Gilbert and others have been taken :—

A	bullock	of	630	lbs.	contains	103·9	lbs. albuminoids.
A	sheep	„	62	„	„	7·56	„ „
A	pig	„	168	„	„	20·5	„ „

Let us now turn to Scotland, and examine its production of food during the same period. That country, like Ireland, has largely diminished its acreage of wheat; but, unlike it, there has been a compensation by an increase of other cereal crops. In fact, there is a slight increase instead of a diminution. In 1867-8, the acreage of wheat had fallen off by 118,557 acres; while barley and oats* had increased by 120,255 acres: this small excess may be neglected in our calculations. Potatoes increased by 22,354 acres, and, taking them at the low average produce in Ireland, would feed 36,000 people; but if we take the average produce of the Lothians, which Professor Wilson tells me is six tons, then that corresponds to 61,000 people. To this must be added the feeding powers of the live stock, the increase of which, in 1867-8, as compared with 1856-7, is as follows :—

Cattle . . .	80,175
Sheep . .	1,362,248
Pigs . . .	2,975

If we give the ration of 1½ lb. daily, this increase represents food for 248,000 people; or, including the above numbers for the increase in potatoes, we have, in 1867-8, an increased feeding power, as compared with 1856-7, for more than 300,000 people. It is scarcely necessary to complicate this by the coefficients used for control in the case of Ireland; but to avoid misconception, the results of this mode of calculation give upwards of 316,000. The natural increase in the population

* The cereals have different nutritive values; but a general average has been taken for all :—

Barley contains	12	per cent albuminoids.		
Wheat	,,	15	,,	,,
Oats	,,	14	,,	,,
Beans	,,	16	,,	,,
		14·2		

The average of 14 per cent is taken in Ireland, and it happens to be of the value of oats, which represent five-sixths of the cereals grown.

of Scotland, during our period of comparison, provided there had been no emigration, would be about 300,000, and it will be seen that the augmented feeding power of her land would have provided for this increase. The actual increase of population is probably not more than 170,000, so that the growth of food is more than equal to the growth of population.

There must be something marvellously different in the conditions of agriculture in Scotland and Ireland to produce such remarkable results. There might be supposed to be some great scheme of reclamation of waste land in one country and not in the other; but, if there be any difference in this respect, during the last ten years, Ireland can claim the merit of such improvements. Since 1844 more than two millions of acres of land have been reclaimed in Ireland. Yet, the final answer to the questions put is, that in eleven years Ireland has *lost* the power of feeding more than 1,800,000 of her population; while Scotland has *gained* the power of feeding about 300,000 more people.

Provided it is admitted that the primary function of land is the production of food, and not the attainment of rent, the owners and tenants of land in Ireland are not fulfilling their duty, and the Legislature is entitled to inquire into the causes which have produced this dereliction, and to aid in their removal. I am not about to add another to the many proposals in regard to the tenure of land in Ireland, as I possess no special knowledge which would enable me to do so; but, in avoiding political remedies, I may be permitted to refer to some of the physical causes which have doubtless helped to produce such a disastrous falling off of food-production. The state of agriculture in Ireland has seldom been stationary. It was the policy of England, in the seventeenth century, to confine the Irish people to pastoral pursuits. This is clearly described by an Irish farmer,* writing to his brother in 1677 with a

* *A Letter from a Gentleman in Ireland to his Brother in England, relating to Ireland in Matters of Trade*, 1677.

view of explaining why corn was no longer cultivated and pasture was preferred. "So that this course did best answer with our purse, that could not answer any more expensive profit; and with our dispositions that are not made for laborious improvements, and with English jealousie who interpret our industry as Theft, as oft as we attempt to make out an honest living. So that wool was now the only thing to rest on, ... and that is made a Felony to transport to Forain parts; and Confiscation to Import it to you, otherwise than crude and unmanufactured." The exportation of agricultural produce and of cattle from Ireland was prohibited by the selfish laws of England, and so Ireland sank back, as a food-producing nation, until the beginning of the present century, when these restrictions were removed. Coincident with their removal came high prices for grain, owing to the French war, and pasture was again turned into arable land; just as, within the last few years, the high price of meat has induced farmers to recur to pasture. The same policy, which had prohibited the exportation of food from Ireland, stamped out all rising manufactures except those of flax, so that the people had to depend upon agriculture for employment. The excessive competition for land which thus arose, produced its natural results of rack-rents, and the tenants could only pay these by crops giving large returns for their immediate wants, and without reference to the permanent fertility of the soil. The most easy way to scourge the land, and force it to yield speedy returns, was by growing crops of potatoes, which are largely productive, but at the same time specially exhaustive of the mineral wealth of the soil. An average crop of potatoes robs the soil of the seed constituents of between three and four average crops of wheat. The tenants were too poor, and if they had been rich had no inducement, by the tenure of their land, to restore to the soil, through adequate manuring, the heavy demands which had been made

on its fertility. At the time of the famine in 1846, nearly one-fourth of the land under crops was devoted to potatoes. And even now, out of every 100 acres devoted to green crops in Ireland, 71 are still given to potatoes—a proportion nearly three times greater than that in Scotland, and six times greater than that of England. If we give the average production of the chief crops for each five years since 1847, it will be seen that there is an obvious tendency to diminished production on the land actually under cultivation, and specially in that devoted to potatoes, and this independently of that arising by the conversion of arable land into pasture.

	Potatoes. Tons.	Wheat. Cwts.	Oats. Cwts.	Barley. Cwts.
1847 to 1851 .	5·6	13·3	13·8	14·9
1852 to 1856 .	5·3	14·2	14·0	17·5
1857 to 1861 .	2·9	12·0	12·1	14·2
1862 to 1867 .	3·2	11·8	11·9	14·9

The striking deterioration of the potato produce in Ireland deserves much more attention than it has received, but can only be slightly alluded to in the present essay. From 1601, when Raleigh introduced it into Ireland, the crop grew steadily in favour with the Irish peasantry until 1845, in which year the largest amount of acreage was devoted to it, and fine crops of 6 and 7 tons to the acre were habitually and persistently attained. The famine came, and, as Irish agriculturists assert, the nature of the potato was altered by the disease of 1846, and its productive power was lessened: at least this is given as the explanation of its present low position among Irish crops. It is no longer the potato which is the farmer's chief source of profit in Ireland. Yet in Scotland there was also the disease, though the potato continues to be a favourite and increasing crop with the Scotch farmer, and an important source of profit, even though it is exported from his land with all the mineral wealth which it takes from the soil. In Scotland six

tons per acre are readily attainable, while in Ireland only half that produce is realised. We must, therefore, look for some other cause than that of change of nature in the crop itself to explain the decline in Ireland. The main cause, I apprehend, to consist in the emigration of the people. It is a principle of scientific agriculture that the best manure for any crop consists of the excrements of animals which fed upon that crop. This must necessarily be so, for all the constituents of the soil, exactly in the form and proportion required by the crop, pass through the animals, with the exception of the small amount retained in their bones, blood, and flesh. If a field were devoted to turnips, and a flock of sheep, living and dying on the same field, were fed on those turnips, its fertility for turnips would never be impaired. Now this condition, though not exactly, was nearly imitated by the habits of the Irish previously to 1845. They grew their own potatoes, gave labour for rent, lived on the produce of their small farms, and manured the fields with the manure most suited to their growth, so that, allowing for a small exportation to meet their limited wants, there was no great drain on the fertility of the soil; and when that showed signs of deterioration, naked fallow weathered the soil, and rendered its imprisoned ingredients available, or a new piece of bog land was reclaimed to add to the produce.

In 1838, the Poor Law was applied to Ireland, and shortly after a crowded population was found to have its inconveniences, so farms began to be enlarged. Still, in 1841, there was a population amounting to 8,174,031: this is now supposed to have sunk to 5,543,285, or has suffered a loss of 2,630,764 persons. Now if we look upon these human beings as merely so many manurial agents, this loss represents the powers of keeping 900,000 acres of land in good heart for the potato crop. This acreage, no longer showing capability of growing this crop, for the reason I have stated, is either thrown into grass or is appropriated to other crops. In

place of the 2,630,000 who represent the decrease in population, and of the additional two millions which would have been the natural increase since 1841, had not the exodus taken place, we find the following change :—

Decrement of population . . .	4,630,000
Actual increase of cattle and sheep .	4,578,000

So that, for every person who could not find support in his native country, an ox or a sheep has been put in his place. These cattle, like a human population, live on the soil; but they do not die upon it. By their rapid emigration, their substantial weights, and the enforced shortness of their generations, the land of the country becomes much impoverished. This would not result if the conditions of agriculture in Ireland were the same as in Scotland, where long leases and skill in the practice of the art induce the farmers to keep up the heart of their land by the importation of foreign manure. How little this is done in Ireland may be gathered from the fact that out of 70,500 tons of bones, 182,000 tons of guano, and 1,029,000 cwts. of nitrate of soda imported into the United Kingdom for manure, only 1830 tons of bones, 29,600 tons of guano, and 10,000 cwts. of nitrate of soda were imported into Ireland.

In the previous remarks I am not advocating a return of the Irish population for the purpose of growing potatoes. I have formerly, in several other papers, pointed out what a disastrous effect their reliance on this one article of food had on the amount of labour which they could perform, and consequently on the low rate of wages which they could then attain, and of its general demoralising effect on their character as a people. In giving a physical explanation of a declining produce, I shall not therefore be suspected of desiring a return to a state of culture, which, in its restricted condition, produced so many evils. But, like every one who has made either the science or practice of agriculture an object of study, I feel that Ire-

land, if properly cultivated, could readily support more than twice her present population.

This decreasing fertility might appear to be a justification for return to pasture as an easier means of obtaining returns. Now, on the supposition that the increase of cattle balanced the loss of cereals, the result to the country would not have been the same, because much of the rent of Ireland is spent by absentees, and does not return in increased comforts to the people. I have shown, as a matter of fact, that the 700,000 acres of land which have been thrown into pasture have not produced increased food, but, on the contrary, have largely decreased the food of the people. This could be indicated in another way, which may be more readily comprehended than that already followed. For this purpose, instead of taking the years 1866-7 and 1867-8 as in the table, it will be more convenient to take 1857 and 1867.

On comparing these years, the number of cattle has not increased; on the contrary, it has diminished by 600. The sheep, on the other hand, increased by 1,370,192. This represents the only practical increase in live stock; for there was a large decrease in horses and in pigs. Let us, however, keep out of sight the decrease, and give full credit to the increase in sheep. Hence, in a practical point of view, 700,000 acres of land have been thrown out of cultivation to feed the increased number of sheep. If we gave the low number of four sheep per acre to the pasture-land, we ought to have had an increase more than twice as great as we actually find it to be. Scotland possesses 161 sheep to every 100 acres of arable land, while Ireland has only 31—the proportion of cattle in both countries being nearly the same. Or, if we compare them in regard to pasture-land, Scotland has above six sheep to an acre, and Ireland a small fraction above two! We are told by the apologists of Irish agriculture that the country is specially adapted for pasture, and not for corn

crops. Well, even as regards the special adaptibility, there is but a poor outcome. The land of Ireland is naturally highly fertile for all crops, and the climate, though humid, is favourable for their growth. Land owners have no difficulty in growing cereals when these pay better than meat.

In all points of view, therefore, the land in Ireland is not fulfilling its function of growing food for the people in proportion to its ascertained capabilities. The Legislature will therefore be justified in considering what means should be adopted to bring the owners and cultivators of land into such harmonious relations as will secure for it the conditions of permanent productiveness. Admittedly, Ireland is much the most agricultural and least manufacturing of the three parts of the kingdom; and yet the industry, which most exclusively belongs to her, and in which, by a larger experience and necessity, she should most excel, is unquestionably in a more backward state than that of the rest of the kingdom.

If we compare the agricultural produce in Ulster and Munster — the first a province in which manufactures flourish, the second an agricultural province—it will be apparent that good agriculture is quite compatible with attention to manufacturing industry. The province of Munster, situated in the south of Ireland, enjoys a mild climate and a fertile soil, and is wholly devoted to agricultural pursuits. Its area is 5,934,787 acres, and its productive power is represented by a population of 255 to each thousand acres. The province of Ulster, situated in the north of Ireland, is less favoured by climate and soil; its area is less than that of Munster, being 5,319,790 acres, while its productive power, to which manufactures largely contribute, is represented by 360 persons to a thousand acres. Munster decreased her acreage of cultivated crops to the extent of 190,714 acres, or 13 per cent upon the number under cultivation in the first year of the period; while Ulster only decreased her cultivated

crops by 7685 acres, or by 4 per cent. Though the diminution in both cases is doubtless due to the conversion of arable land into pasture for the growth of cattle instead of corn, yet there has been an actual decrease of horned cattle in both provinces, though there is a considerable increase in sheep. The year 1857 was before the hay famine had time to tell on the numbers of cattle, and accordingly we find that in 1867 Munster had actually less cattle by 82,000, or 7 per cent, than she had in the first of the ten years, while Ulster had decreased by 23,000, or about 2 per cent. In sheep, on the other hand, Munster had increased by 386,000, or 43 per cent, while Ulster increased by 117,000, or 30 per cent.

In all respects, except in sheep, Ulster shows a far higher agricultural result than Munster, and that in spite of the natural conditions of climate and soil being in favour of the latter, and also in spite of the fact that the undivided energies of the population should be applied solely to the production of food in the agricultural province. In Ulster, a large portion of land is occupied with flax, and therefore diverted from the growth of food crops. There are two marked differences in the condition of tenants in the two provinces. In the larger province of Munster there are 43,848 holdings not exceeding 15 acres; while in the smaller province of Ulster there are 114,575 holdings of the same extent. The custom of tenant-right in Ulster also gives a certain permanence of occupation to the farmers. Small holdings necessarily have a larger amount of labour expended on the land than larger holdings, until these come under the influence of capital and skill, and the proper use of machinery.

The analogy between agriculture and manufactures only holds when both are in the same state of progress. Science at the present time receives fuller applications in manufactures than it does in agriculture, because the latter relies on practical experience more than it does on the principles of science.

Let me illustrate what I mean. The application of machinery to the linen manufacture has not progressed so far as to render handlooms a tradition in Ulster. As a fact, the handlooms still produce a fabric of such character and excellence that they hold their own and procure a large employment for hand labour. In progress of the arts this may be changed, as it has been in the manufacture of cotton; but we are speaking of things as they are. Just so in agriculture. It has not yet reached the stage when machinery will render small holdings unproductive, if there be honest labour applied to them, and an honest restitution by manure of the abstracted ingredients of the soil.

But, while I think it must be admitted that new legislation in regard to the tenure of land is a necessity in the declining condition of agriculture in Ireland, I am far from believing that this will be sufficient to bring prosperity to that country. There is, as compared with manufactures, only a small elasticity in agriculture. Even in Great Britain the land and farmers' profits were assessed in 1815 at £63,283,000, and in 1856 at £62,387,000; while the profits from other kinds of property and occupations had risen from £48,000,000 in the first year, to £141,000,000 in the last year. Land in Ireland, under peasant proprietors, or with prolonged tenure, will undoubtedly increase in productiveness, as all experience in other countries has proved, and will probably not be over-peopled, now that the swarms know their way across the Atlantic. Though such a result will give more happiness to the people who remain, this condition is not sufficient for the prosperity of a country. The swarming of individuals, by emigration, is the analogue in a nation to the throwing off of an excessive waste of organic particles from the body of an individual. Both indicate disease, and, when carried too far, result in dissolution. It ought to be our aim to find employment for

increasing population, by leading it into numerous channels of productive industry. In England and Scotland this is not fully but largely accomplished, through the agency of manufactures. In Ireland manufactures have scarcely existence, except in one province. I have, in another paper,* contrasted Ireland with Switzerland and Holland, and shown that neither of these countries possesses such manufacturing resources as Ireland, and yet both of them far exceed that country in prosperity. Each of those countries is singularly destitute of the raw materials of industry, and is much further removed from them than Ireland, and yet their manufactures are in a flourishing condition. It is true that Ireland does not possess much mineral wealth, but that which she does have could be turned to a far better account than it is. In her iron pyrites alone, she possesses the element, sulphur, which is at the foundation of all the chemical industries—those of soda ash, bleaching, glass, artificial manures, soap, candles, phosphorus, etc. As a country capable of rearing far more cattle and sheep than at present, there is the foundation for woollen and leather manufactures. For cotton the climate is so favourable that the greater yield in the manufacture, by the same labour, would probably more than compensate for the increased cost of fuel. With an educated population, not instructed in the mere elements, after the fashion of our primary schools, but in the secondary subjects of science and art bearing on the manufacturing pursuits of life, there is no limit which could be put on the manufactures that might arise, for raw material is now of small value as a factor in production, compared with skill and intelligence used to convert it into an utility. There are obstacles to Ireland becoming an important manufacturing nation; but these are not, as is commonly stated, the absence of fuel and the want of capital.

* *Lectures on Primary and Technical Education.* Edinburgh: Edmonston and Douglas, 1870.

With the Welsh and Scotch coal-fields so near, there are few continental states that could compete with Ireland in this respect. With £18,000,000 of capital, lying on deposit-receipts at one per cent in the banks of Ireland, and with money readily obtainable at 2½ per cent, it is absurd to ascribe the want of manufactures to deficiency of capital. Besides, in a nation, manufactures accumulate capital, not capital manufactures. In former times it was not want of labour which prevented their rise, for it was abundant and cheap. That is a difficulty now, for the cultivation of live stock, instead of cereals, has depopulated the country and rendered labour scarce and dear. But this will soon right itself again with improved relations between landlord and tenant, so as to promote a healthy state of agricultural industry.

The main difficulty for Ireland's future is, our having so formed the habits of the people by centuries of misrule, that they have been taught to look to agricultural industry alone, and to consider manufacturing industry as one in which they have neither art nor part. It was not so formerly. Two centuries ago, the merchants of Ireland sent a mournful memorial to the Government of England, concluding with these words—"The manufacturers of Ireland are few, . . . yet the sustenance of a good number of the most necessitous of her people depends wholly on that little, and they cannot subsist barely by air any more than the people of England." It was against the protective prohibitions that they then prayed; and they were thus referred to in 1677 by one of their able advocates as follows:—"It is more allowable to plant Poyson than Manufacture with us. . . . If it were promoted as carefully as it is discouraged, it would replenish the Country with People, raise the Price of our Lands, and wear off the Barbarity of the Common Irish, when once they were inured to Labour; for Industry is the first step to Civility, and the securest pledge to Government." Nothing better could be

now said in regard to the future of Ireland. It is true that the protective laws have been some time abolished, but not long enough for us, the children, to escape the punishment due to the sins of our fathers. The habits of a nation are neither formed nor changed in a day. When formed, they are like the *inertia* in a machine, always requiring to be considered, and in the way of improvements which suggest themselves continually to an inventive brain. Certainly Ireland cannot be made permanently prosperous and contented by the better opening up of a single channel of industry. There is, to my mind, only one way in which new channels can be opened, and that is by accustoming the Irish to look to manufactures, and not merely to agriculture for means of support. This direction of their aims may be largely given by a technical education of the people. The Irish working-classes have shown an uncommon aptitude for learning science and art; and their minds, by judicious instruction, could be prepared for those industries which are based on their application. I have shown elsewhere that other countries, poorer and less prosperous than Ireland, have, within half a generation, been made happy and contented by the introduction of manufactures among agricultural populations. But then their governments had a wise perception that the higher technical education of the people was the main condition for enabling them to engage in the industrial competition of nations; while our governments, being still destitute of that perception, necessarily lack the wisdom to produce such beneficent results.

L. P.

SCOTCH EDUCATION DIFFICULTIES.

"We have now for twenty years been discussing the modes, and forms, and theories of education. During all that time I do not say that nothing has been done, but our efforts have been so partial and capricious, that very little has been done to meet the real root of the evil, and in the meantime three generations of schoolboys have become men, and will constitute a large proportion of that world with which we ourselves will have to deal."

These are the words of Lord Advocate Moncreiff in the House of Commons on the 23d of February 1854, when he introduced his first bill for establishing National Education in Scotland.

Sixteen years have passed away since these words were spoken, and now, in February 1870, we are still "discussing the modes, and forms, and theories of education," without having reached the practical solution of any of the difficulties surrounding the question. Since 1843, and prior to it, a struggle has been going on between the churches and the political parties in Scotland upon this subject, and now, after the lapse of more than quarter of a century, the motive of the struggle remains unchanged, and the bitterness of the combatants is undiminished. The tactics by which the Scotch Education Bill of 1854 was defeated were almost identical with those by which the bill of 1855 was defeated, and almost identical with those by which the bill of 1869 was defeated. The arguments of 1854 were repeated in 1869. The same feelings were aroused; the same prejudices fostered; the same animosities embittered. And the struggle of last year

has proved, if it has proved anything, that generation after generation of the boys and girls of our poorer classes may grow up in ignorance and in vice, and may go out into the world untaught and uncivilised, but the play of party, and the ascendency of sect, are matters of more real and lasting interest to our legislators, than the education of hundreds and thousands of those who are growing up in the midst of us. Efforts have been made, year after year and session after session, but none of them have been successful. A single school Act has, no doubt, been passed during this long agitation, and in one respect—the abolition of tests for schoolmasters—that Act has been of service. But this is a small instalment only towards the establishment of such a national system as the exigencies of the case and the demands of the people require. The people of Scotland, by the general elections,* by their public meetings, and by the spirit of the press, have testified, as clearly as a people can testify, that the country is ripe for a system of national unsectarian education. And the reality of their demands on this subject has been established by the direct evidence published by a Royal Commission.† If the wishes of the people, and not the wishes of the leaders in the Churches and their representatives in Parliament, had been consulted, long ere this time schools would have been erected throughout the country and throughout the towns, wherever they are wanted, and efficient education would have been brought within the reach of all who demand it. But it has been otherwise ordered.

* At the general elections in November 1868, fifty-three out of sixty Scotch members were returned to Parliament pledged to support the Liberal Government, and to advocate "a system of National Unsectarian Education." And of the seven returned in the Conservative interest, three at least were committed in favour of national education.

† Out of 136 gentlemen whose evidence was published by the Commission, 99 were of opinion that a general system was possible and expedient, while 22 the contrary view, and 15 gave no opinion on the subject.

It is the object of the following pages to give a brief sketch of the different efforts which have been made to establish Scotch education on a satisfactory basis; to trace the principal causes which have hitherto rendered these efforts futile; and to attempt to suggest some solution of the chief difficulty which surrounds the question.

I.

There are three periods in the history of Scotch education coincident with the three important epochs in the history of the Church. These may be called—the Ecclesiastical, the Ecclesiastico-national, and the Denominational periods. The first was anterior to the Reformation; the second dates from the construction of the First Book of Discipline in 1560, and continues till the Disruption of the Church in 1843; and the third, from 1843 till the present day.

With the first we have nothing to do. The day when the Roman Catholic Church could be paramount over the educational institutions of the country is passed in Scotland, whatever it may be in Ireland. Of the second we would speak with unfeigned admiration. The Parochial system of Scotland needs no words of praise; but the best of good things have their day and pass. While the population was small and ecclesiastically united, the Parochial system, supplemented by burgh and adventure schools in towns, and church schools in the country, was sufficient for the people. But the demand for education was small in the early years of this century. The life of the country was stagnant, and the thoughts of men were directed to foreign rather than to home affairs. It was not until the second quarter had begun to run, that Scotland threw off her lethargy. Theology and politics, which had slumbered till 1830, suddenly awoke. The movement which was soon to shake society to its foun-

dations had begun, and the Church Courts were among the first to participate in it. The parish clergy began to look around them, and they saw a population growing up at their doors in ignorance. They found the schools to which they had trusted going on from year to year in routine inefficiency; the Presbyteries, who were bound to examine and report upon the schools in their respective districts, neglecting their duty; the people beginning to clamour for better teachers; and the organisation foreshadowed in the Book of Discipline little better than a name.

Simultaneously with these discoveries came the Disruption.

Following upon it, the Free Church Education Scheme was set on foot; and out of this movement denominationalism arose in Scotland. Some six hundred new schools were established by this agency, and these schools have thrown new life into the education of the country. Since they have been in operation a host of miscellaneous and adventure schools have sprung up. The attention of the people has been fairly directed to the necessity of securing efficient teaching, and to the necessity of taking interest in the subject, and of relieving the clergy of the sole control. The Privy Council system has come into being during these twenty-seven years, and in its own way it has done infinite good, wherever, trammelled as it is by the bonds of denominationalism and the faults of an intrinsically vicious system, it has had a chance.

But with all these diverse and at times conflicting appliances, the people of Scotland are dissatisfied. The educational machinery is not to their liking. There is no organisation, no supervision, no satisfactory and universal inspection. The people have learned by experience that an ecclesiastico-national system, though of much value in past ages, is inadequate to meet the altered conditions of society when the demands for education have increased fourfold, and when the

Church of the Establishment includes scarce one-half of the population. They have learned by experience that voluntary and sectarian efforts, under no general supervision, produce nothing but a medley of miscellaneous teaching without method or arrangement; that such efforts can never reach the poorer districts in the towns, and the sparse and widely-scattered populations of the Highlands; and that they do little else but feed and foster the jealousies and rivalries of conflicting Churches. They have learned that they must look to the people more and to the clergy less for the education of their children. And they have demanded a National System, in which the State and not the Church shall take the initiative, and by the wider and more vigorous exercise of its authority supply the deficiencies under which all systems hitherto tried in this country have laboured.

Six distinct attempts have been made by the Liberal Government within the last fifteen years to satisfy these demands. Five bills have been introduced into Parliament upon the subject, and only one of them, which at best was but a make-shift, has been carried. This Act, and the Reports of the Commissioners, represent the whole parliamentary harvest secured after fifteen years' labour in the field of Scotch education.

It is not proposed to enter into the minute differences which existed in these various schemes. The main principles were the same in all. The bill of 1854, which in some respects was the best of the series, enjoyed but a brief parliamentary existence. It was introduced on the 23d of February. The discussion on the second reading took place on the 12th of May, and in a full house it was thrown out by a majority of nine. Of the Scotch members, however, fourteen only voted against it. The bill of 1855 was rather longer-lived. After incurring many dangers of miscarriage in the Lower House, it was read a third time, and

passed on the 12th of July by a majority of nine. In every important division in the progress of this measure, the Scotch members favourable to it were in a majority of rather more than two to one over those who were opposed to it.

On the 19th of July the Duke of Argyll moved the second reading in the House of Lords. The peers strangled the measure without a division.

Nothing of a decided character was attempted during the next five years. A few random shots were fired at intervals on one side of the House or the other, but all efforts at legislation were abandoned.

The question, however, was not at rest in Scotland. The sectarian animosity which had been kindled by the Disruption, though it had died out to some extent among the laity, burned as fiercely as ever in the hearts of many of the clergy and others who were interested in the management of churches and schools. The burgh schools are under the control of the Town-Councils of the different burghs, and in a large proportion of these corporations at this time, the Free Church commanded a majority. Wherever this was the case, the school managers resented the interference of the Established Church ministers in their schools; and within a few years of the Disruption two cases were brought before the law courts to determine whether or not the schools were subject to the jurisdiction of the Church. One of these cases, after being fiercely litigated for ten years at a cost of some £3000, was ultimately decided in favour of the Church in December 1860.

This decision produced the School Act of 1861, and it passed through both Houses without much trouble. The Duke of Buccleuch and Lord Kinnaird in the House of Lords found it necessary to take some trivial objections as to the manner in which it was passed. But these were more of
ıre of stereotyped grumblings against any measure
y a Free Church Lord Advocate, than of active

hostility to the particular measure. They merely wished to keep their hand in with a view to future proposals. The measure of 1861 therefore became law. The people, however, were not contented with this measure, and no one thought they would be. Accordingly, at the commencement of the following year, a new Education Bill for Scotland was introduced. It was simpler in its provisions than the lost bills of previous years, but it gave satisfaction to no party either in the Church or in the State. It never reached a second reading.

This effort, however, was not thrown away. The question was kept alive by the introduction of this bill, and the way was paved for the appointment of the Royal Commission of 1864. This Commission was composed of eighteen gentlemen, representing every shade of political and Presbyterian opinion in Scotland. And although it did not include any members either of the Roman Catholic or Episcopalian communions, representative men of both were examined, and the evidence affecting the claims of both churches respectively was scrupulously weighed.

The work of the Commission commenced in November 1864, and continued, with little or no intermission, until the beginning of 1868. At the conclusion of its labours, full and exhaustive reports upon Scotch education were published, which have set at rest for ever many points that had been eagerly disputed in previous years. To their report upon the elementary schools the Commissioners appended a draft bill to provide for the necessities of the country. This bill, very slightly modified, was introduced into Parliament last year, and, from the concurrence of opinion on part of the Commissioners with regard to its provisions, it was confidently expected to pass through both Houses with comparatively little opposition. Those hopes were disappointed.

Before describing this bill, and tracing its progress through Parliament until it was shipwrecked in the Lords at the close of

a not uneventful voyage, it will be well to state the more striking facts which have been brought out by the Commission in reference to the educational destitution of the country.

The Commissioners, either by themselves or their deputies, examined into and reported upon the educational machinery which is provided, under existing arrangements, for four-fifths of the whole population of Scotland. The general results may be stated shortly.

The ratio of scholars to the population, taken *overhead*, is satisfactory as compared with other countries, but taken *by counties and by parishes* it is the reverse. A proportion of 1 in 6·5 of the whole rural population is to be found on the school books of some school, and 1 in 7·9 is in attendance. If a similar proportion were to be found in individual counties and individual parishes and in towns, and if the schools were all efficient, a higher ratio could hardly be desired. But these general statistics are illusory. They give no indication of the real state of the case in particular districts. In the Islands the ratio at once falls to 1 in 9. In separate counties it varies from 1 in 5, as in Selkirk, to 1 in 14, as in Shetland. In individual parishes it varies from 1 in 4 to 1 in 15, 20, 25, and even 30, in attendance.

These results show, at the very first blush, the entire want of uniformity in the distribution of the schools throughout the country. When one parish sends one child in every four inhabitants to school, and another sends one in thirty, there appears to be something very far wrong indeed.

And, if we consider the circumstances of the different districts more closely, the picture does not improve.

In the specimen lowland parishes which were examined, and which are acknowledged to have been fairly selected, so as to exhibit the general condition of the country, it appears that only 55 children, between the ages of five and fifteen, in every 100 born and living in the districts, attend school; that rather more than a fourth of the school buildings are unsuit-

able; and more than one quarter of the teaching is pronounced to be indifferent and bad. The Highland and insular districts may be briefly dismissed. The ignorance which appears to exist in them is, it is to be hoped, unparalleled in any civilised State at the present day. To take one instance only—"In three populations of above 2000 souls each," to quote the Report from the islands, "there are, respectively, only 26, 4, and 18 women able to write their own names, or a total of 48 in a population exceeding 6000."

But these facts and figures relate to the rural districts only. The Parochial system, it must be remembered, is in full operation in them. The country is justly considered to be better educated than the town, and these lowland parishes, where only 55 per cent of the children are at school, and where one quarter of the teaching is inefficient and a fourth of the buildings unsuitable, are held up to admiration as exhibiting the thoroughness of the denominational system. If we wish to comprehend the educational destitution of Scotland in its full extent, the urban districts must be thrown into the calculation.

From them complete returns are not given. But we have a special report on the educational state of Glasgow, the largest and most important of these urban districts, from which the Commissioners deduce the fact that "little more than one-third of the children of school age are now attending school," and their calculation as to the general destitution in the country is to the effect that in a population of about three millions there are no less than 92,000 children who are on the roll of no school, and who presumably are growing up in ignorance.

It is difficult to realise exactly, or even approximately, what such an abstract number means. It is impossible to bring the imagination to bear with any accuracy on so great a number of human beings, and it is no easy matter to find any means to aid it. The towns of Oxford, Cambridge, and Cheltenham, to take a homely illustration, contain collec-

tively rather more than 90,000 inhabitants. If we could fancy a black cloud of ignorance, such as is sometimes shown on tinted maps, drawn over the inhabitants of these three towns, and could imagine that the men, women, and children, of all sorts and conditions—the members of the two Universities, including the authorities; the retired Indians, officers, and civilians; the clergy, lawyers, doctors, shopkeepers, artisans, and others, with their wives and families, who constitute this population of 90,000—were living on from year to year unable to read a newspaper or a book, unable to write a letter or communicate except by word of mouth, and unable to cast up a simple account or add two and three figures together, we might form some sort of idea of the mass of ignorance which is spread broadcast over Scotland. It is impossible to bring the full reality of this educational starvation in its coarsest features home to those who live in the comfortable enjoyment of their newspapers, their daily budgets of letters, and their circulating libraries. Men and women die of physical starvation; you see them wasting away before you, and you can take in the full horrors of their case. But they do not die of mental starvation. They live on like brutes, eating, drinking, sleeping. They fulfil the general necessities of their natures, and they rear up broods of young barbarians with minds unawakened, and spiritual and intellectual faculties unemployed, who follow in the footsteps of their progenitors, and fill the poorhouses, reformatories, and prisons of the land. Yet this is the mental state in which 92,000 children are suffered to grow up in the midst of us in Scotland. This is the picture which the Commissioners have presented to the world.

It has been the stock argument of the Tory party during all these years that the people of Scotland are content with the present state of education in their country, that the parochial and church schools are sufficient, and that there is

no necessity for any change. Ever since 1854 they have been asserting what Lord Robert Montague asserted only the other day in England, that "we have been raising up a phantom of educational destitution where none exists." The changes on this theme have been rung out by every speaker on the Tory side of the house since the beginning of this controversy, and probably will continue to be rung out till the end of time. Neither facts nor figures will convince them of the contrary. It is so much pleasanter to believe in phantoms than to be convinced by facts.

The Commissioners, however, recognised the substantial reality of this destitution, and they prepared their draft bill to provide against it. But the preparation of this bill was no easy matter. Scotland, the Commissioners saw, was torn by ecclesiastical sects; and while the rank and file of these sects were indifferent, their leaders were in full activity. Though not necessarily proselytising, they were jealous of each other. They were all struggling for power: all determined to keep what they had got, and to lower as far as possible the influence of their opponents. And in these intentions they were actuated by a knowledge that in time past they had done much good, and by a conscientious conviction that for the future no good could be done without them. The Commissioners understood this state of ecclesiastical temper in the country, and, desiring to conciliate all the leaders of all the sects, they framed a measure which conciliated none. The bill was complicated and difficult to comprehend. It was meant, and well meant, to be a compromise pleasing alike to all parties—ecclesiastical, political, and scholastic. Ingenuity seemed to exhaust itself in a multiplicity of little sops and bribes to humour everybody and make everybody comfortable. But they were hardly big enough. A bone was thrown to every dog to gnaw in a corner, but a full meal was given to none, and in consequence no one cared about it. There was

no enthusiasm enlisted in favour of this bill. No Church, no party, no body of men, could be got to array themselves heartily on the side of it. Everybody wanted a little more for himself and a little less for others, or something a little different for all, and no one was satisfied. Opposed to it was the old cohering mass of prejudice, which the lapse of fifteen years had not disintegrated.

And yet there was a great deal of good in this bill. The leading propositions were similar to those in the bills of 1854 and 1855, and were merely an extension of those principles which have guided Scotch education since the Reformation. These principles are, central and local supervision, inspection, and compulsory rating. Upon them John Knox founded the Parochial system. In his scheme the central authority was vested in the General Assembly of the Kirk; the local authority in the parochial minister; the inspection in the members of each Presbytery, composed of the ministers of the neighbouring parishes; and the rating was confined to land which yielded a considerable annual rent, and was applicable to the support of only one school in each parish. This system, it must be remembered, was part of the reformer's ideal constitution; "a constitution," as has been well said, "in which the clergy, as ministers of God, should rule all things—rule politically at the council-board, and rule in private at the fireside." The Commissioners wished to extend these principles; but seeing that the days for the realisation of this ideal constitution had passed away, and that the ecclesiastical organisation had broken down and had lost favour in Scotland, they proposed to relieve the clergy of the exclusive burden of school management, and transfer it to the laity. The central supervision, therefore, was confided to a board, partly representative partly nominated, sitting permanently in Edinburgh, and exercising considerable authority regarding the establishment of new and the efficiency of existing schools. The local

supervision was entrusted to committees elected in each town by the town-council, and in each parish by the heritors and ratepayers. The inspection of the schools remained with the Committee of Council, but was to be undenominational, and to extend to every school in the country. The principle of compulsory rating was no longer to be confined to the rich landowners, but was to embrace the whole body of ratepayers in both town and country, limited, however, to the sum of 3d. in the pound.

These were the main principles involved in this bill; but, in carrying out its object, it was necessary to go further. The object was to institute a system of national education—for it was this that the people wanted and the Commissioners recommended—and to do this it was essential to discourage all denominational schools; consequently, the bill provided that no new denominational schools should receive national money, and that the Privy Council grants should be supplied only to schools under public as distinct from ecclesiastical management.

The bill was introduced into the House of Lords on the 25th of February, read a second time on the 19th of March, mutilated in committee at the beginning of May, disfigured beyond recognition on the report, and sent down in a battered condition to the House of Commons on the 14th of June. From this day it disappeared from public view for four weeks, but on the 12th of July, or rather about 2 A.M. on the following morning, it passed the second reading without discussion, and the House went into committee *pro forma* to allow the bill to be printed with the Government amendments. By dint of hard work, both by night and day, the Government passed a Scotch Education Bill through the Commons, and it returned to the Lords.

On the 9th of August the Duke of Argyll moved the consideration of the amended bill. The Peers strangled it on the first division.

It was not the bill of the Commissioners, nor the bill which had left the Lords, nor that which the Government proposed, but a confused medley of them all; and as the Lords had only twenty-four hours to discuss it before the prorogation of Parliament, they very promptly declined to consider it; and no reasonable man, with any pretensions to impartiality, can blame them.

Suppose the process of passing this measure had been reversed. Unpopular from the beginning in the House, suppose it had originally passed the Commons in the early part of the year, and had been introduced in a totally new form into the Lords during the last few weeks of the session. Suppose it had passed through several editions in the Lords, each of them characterised by hasty legislation; and suppose in the ebbing moments of the session, just before the prorogation, this changeling had been thrust upon the Commons in such a guise that its own parents could not recognise it, would the representatives of the people have received it? Can any one doubt that it would have been laughed out of the House? There, probably, is not a single member of the Commons who would have consented to the bare idea of taking it into consideration. The bill had never been popular in the Lords. They had cut out the provisions which were most distasteful to them; the Commons had reintroduced some of them, and had added others which they disliked still more; and twenty-four hours was all the time allowed to the House of Lords for the consideration of the altered and amended measure. They followed the only course consistent with their position as a legislative assembly of intelligent and responsible beings. So long as that position continues to be recognised, it is impossible that they could have acted differently.

The bill of 1869 thus shared the fate of its predecessors, and, to some extent, the loss of it is unfortunate. If it had passed even in its latest and worst form, and had been vigor-

ously carried out by an honest board of impartial officials, it would have been of some benefit to Scotland. With compulsory rating and undenominational inspection established and operating, suitable schools under efficient teachers would have been provided. Parents could no longer have complained of want of school accommodation, and generations of the young would no longer have grown up in ignorance. Uniformity and organisation in the school system would have taken the place of the present miscellaneous and capricious exercise of voluntary benevolence and sectarian zeal. These results would have flowed from the establishment of the two essential principles. And more than that, if the lost bill were now incorporated in the statute-book, Scotland would be drawing annually from the Consolidated Fund more than three times the amount of public money which she gets at present. Last year the Committee of Council expended only some £80,000 on Scotch education—a miserable sum, infinitely below the amount to which Scotland is entitled, when the public expenditure on education in England and Ireland is put in comparison with it.* If the bill had passed, something little short of £300,000 a-year would have found its way from the same source to the Scotch schools. And this, to a country where all the public departments are paid on the most niggardly scale, would have been a fair and equitable arrangement, and the one completely satisfactory feature in the statute.

On the other hand, when one considers the imperfections in the bill—the hasty undigested legislation by which it was

* The sum proposed to be voted for Public Education for Great Britain, according to the Civil Service Estimates for 1869-70, is £840,711, and for Ireland £373,950.

Of the sum spent in Great Britain, Scotland receives £80,260. More than nine times the amount of public money is thus expended on education in England, and more than four times in Ireland, than is expended in Scotland.

The population of England is rather more than six times, and the population of Ireland rather more than one-half larger than that of Scotland.

disfigured, the hermaphrodite nationalism which it established, and the elaborately intricate nature of its provisions; and when one throws into the scale the probabilities of our getting a more straightforward and more thorough-going measure before many years elapse, it may be honest matter for congratulation that the bill of 1869 has sunk into oblivion.

Regret, therefore, cannot be expressed for the loss of this measure. But it may be worth while to consider what were the main causes which contributed to the work of destruction.

The experience of the past may sometimes teach a useful lesson for the future.

II.

"I do not think the difficulties in the way of Scotch education are ecclesiastical difficulties," said the late Lord Advocate, in a speech recently delivered by him, shortly after his elevation to the bench; "I believe the ecclesiastical difficulties to be mere phantoms. The religious question does not stand in the way of Scotch education; there is no such difficulty presenting itself in this country. There are no mountains in the path; there are only molehills. But a great many molehills are as bad as one mountain, or rather a great deal worse. If you find the old accustomed road that you travel full of those little risings, they are apt to trip your horse. If it were a mountain you could tunnel it, or make your road round it." No man is better entitled to speak on this matter than Lord Moncreiff, and it is with diffidence that we would presume to differ from him. He has travelled "the old accustomed road" more frequently and more perseveringly than any legislator Scotland has ever had, and he ought to know the sign-posts and the milestones well. For many years he has held the same opinion. "In Scotland we have the reputation of being very keen in polemical disputes.

It is said we set so much store by ecclesiastical differences, that no two Scotchman can be found to agree upon such subjects. But persons not acquainted with the nature of society and opinions in Scotland may draw very erroneous conclusions from these theological differences, if they imagine that *these disputes necessarily prevent mutual co-operation on such a subject as education.*" So he said on the 23d of February 1854, but here we are in February 1870 no nearer home. The molehills have not been levelled, the mountain has not been tunnelled, and the road has yet to be made round about it. What is the cause of this unfinished work? Are the obstacles impervious, or have the engineers been inefficient? Are we to throw the blame on nature or on art? "There is no mountain," says Lord Moncreiff; "there are only molehills, but many molehills are worse than one mountain."

With all deference, we should doubt if this is quite an accurate estimate.

That there are, and always will be, molehills, we do not dispute; but besides the molehills there is one exceeding high mountain, and that mountain, to adopt the simple phraseology of *The Pilgrim's Progress,* is called the Mountain of Clerical Ascendency. This has blocked up the valley since the commencement of the work, and it is just because the road-makers have never recognised the rugged obstinacy of this mountain that the road has not yet been finished.

It is perfectly true that there is no "religious difficulty" in Scotland. "Scotch parents," as the Duke of Argyll said, on introducing the bill last session, "don't care a halfpenny to what religious body schools may belong." So long as they are left to themselves, they will send their children to the most efficient school within their reach. Nothing in the seven volumes published by the Commissioners is more manifest than this. *Religious* differences do not exist, but *ecclesiastical* differences shipwrecked the measure. It is not the

parents, nor the children, nor the schoolmasters, who raise these difficulties. It is no question of sectarian *teaching;* it is entirely a question of sectarian *direction.* The leaders in the various sects sacrificed the bill from a determination—a conscientious determination no doubt—to hold by their own.

And the leaders in one sect were just as determined as those in another.

The ministers of the Free Church would not suffer those of the Established to keep the direction of the parochial schools in their hands. The ministers of the Established would not suffer those of the Free Church to raise their schools to a level with the parochial. And the leaders in both these Presbyterian bodies—forgetful of Sydney Smith's axiom, that "if experience has taught us anything, it is the absurdity of controlling men's notions of eternity by act of parliament"—insisted, some of them upon a preamble, some upon a clause, which either would have been meaningless, or would have established, not National but Presbyterian teaching in the public schools.* The words suggested mean, if they mean anything, that the Shorter Catechism of the Presbyterian Church and the Bible should be taught in every National School in Scotland. The advocates of this policy were, to put it colloquially, riding two horses at once, the National and the Presbyterian horse. And if it had been adopted we should have had a Presbyterian and not a National system of education, and the schools of the Episcopalian and Roman Catholic communions would have been blotted out in favour of those of the Presbyterian.

* The words in the preambles of the bills of 1854 and 1855 were as follow:—"Whereas instruction in the principles of religious knowledge, and the reading of the Holy Scriptures, as heretofore in use in the parochial and other schools in Scotland, is consonant to the opinions and religious professions of the great body of the people, while at the same time ordinary secular instruction has been and should be available to children of all denominations."

The bishops of the Episcopal Church in Scotland opposed the bill, "because," to quote the words of Bishop Eden, the Primus, in an address congratulating his brethren on the loss of it, "our schools, as being denominational, would have been annihilated, and we should have forfeited our participation in any Government grants from our firm determination to combine in our schools religious with secular education." The right reverend prelate is hardly accurate in this account of the bill. It did not prevent the combination of "religious with secular education" in any of the numerous editions in which, at different stages of its career, it appeared. It left it to the school committees, *i.e.* the parents of the scholars, to determine the branches of instruction to be taught. The Privy Council grants would not have been forfeited on that account; neither would Episcopalian schools have been annihilated as being denominational. The Government bill did not profess to supply ecclesiastical education at the national expense. But, in the form in which it passed the Commons, it provided that Privy Council grants should be continued to non-national schools, if the Central Board should certify that such non-national schools were specially needed by the population in the locality in which these schools were situated. Under this provision, Episcopalian schools would have received the grant wherever they were needed, and would have forfeited it only where they were not needed for educational purposes.

But opposition from this sect was not confined to the Scotch Episcopalian dignitaries. The full bench of bishops arrayed themselves against it in the House of Lords, and the Primate of All England struck the note when he told the Duke of Argyll that "it would be a great mistake to jeopardise this measure by bringing it into collision with great questions with which they would soon have to deal in England." This was the cry which Mr. Cumming Bruce had

raised so successfully against the bill of 1854, when he called it "a pilot-balloon for England." Scotland was the worthless subject on which the experiment of non-denominational education was to be tried. If the experiment were successful there, it might lead to something similar in England. An era might be inaugurated in which the clergy would be relieved of the anxiety of managing education, and in which the State would do the work which the clergy had failed to compass. The clergy had no desire to have their burden lightened. They would not recognise that they had failed, but they imagined that their influence would wane if they lost the management of the schools. And so it came to pass, that the leaders of the Episcopal Church of England joined the leaders of the same body in Scotland, and threw in the weight of their organisation against the bill.

Those of the Roman Catholic communion were not less hostile. The *Tablet* newspaper, one of the principal organs of Catholicism, and perhaps the chief exponent of Roman Catholic opinion in this country, expressed itself as undisguisedly opposed to the bill, and did all that lay in its power to defeat it. And its influence was not inconsiderable. In every one of the important divisions in the House of Lords, the Roman Catholic peers voted almost to a man against the Government. Whether this action on their part was due to the language of the *Tablet*, or whether both they and the *Tablet* were influenced by pressure of a powerful character within the Church itself, we, of course, are not privileged to know. Whatever the nature of the influence may have been, the result was the same. The leading organ and the leading lay representatives of Catholicism acted in unison for the destruction of the measure. The leaders, therefore, of both the principal sections of the Presbyterian Church, the leaders of the Episcopalian Church in Scotland and in England, and

the leading representatives of the Roman Catholic Church, were all determined to cling fast to the hold which they had secured over school management, and to extend it. Each sect was jealous of the management of any other sect; and all three were leagued against lay management.

This manifestation of ecclesiastical feeling was the main cause of the destruction of the measure. Lord Moncreiff has held a different opinion during all these years, and he consistently holds it to the end. Theological differences, he considers, do not prevent mutual co-operation on such a subject as education, and any one who thinks otherwise is not acquainted with the nature of society and opinion in Scotland. The difficulties in the way of Scotch education are not ecclesiastical difficulties. These are mere molehills. Compromise and conciliation will carry the day. Yield a little to this sect: grant a little to that. Put gentle pressure on the leaders of the different bodies: soft words here, softer promises of good things there. Smooth down the little risings, and shut your eyes to the big one. Deal pleasantly with everybody, and place your simple faith in mutual ecclesiastical co-operation in matters of school government in Scotland, and you will prevail in time.

Such has been the policy of the last fifteen years; and how has it resulted?

Like Odysseus, in the wide-gated halls of Hades, men have gazed with curiosity and interest at the spectacle of an influential statesman in this nineteenth century realising the doom of one of the heroes of Homeric song. Him, like Sisyphus of old with grievous toil straining every nerve to roll the mighty sphere of stone up to the summit of the mountain, they have witnessed. Year after year they have looked upon him with a melancholy pity laboriously struggling

upwards nearer to the goal, and session after session they have seen him on the point of attaining to it—

—— αλλ' ὅτε μέλλοι
ἄκρον ὑπερβαλλέειν, τον' ἀποστρέψασκε κραταιίς·
ἄυτις ἔπειτα πέδονδε κυλίνδετο λᾶας ἀναιδής. *

III.

The struggle therefore for sectarian ascendency in the direction of education, has ruined each successive attempt at legislation in Scotland. The import of this policy is plain enough. It is no new theory in the history of churches that education is a function of the Church, and not a function of the State; neither is the assertion of this principle confined to Scotland. In the early ages of Christendom, and down to the sixteenth century, the Catholic Church had the exclusive monopoly of learning, and to that Church modern civilisation owes a heavy debt of gratitude. But the world must not groan under the incubus of that debt for ever. "Modern times," it has been said, "find themselves with an immense mass of institutions, established facts, accredited dogmas, customs, rules, which have come down to them from times not modern;" and among them there is none more inveterate than this tradition of Church superintendence of education. Before the Reformation this was well. One Church was paramount, and that Church educated its own ministers and servants under its own exclusive tutelage. In time the nobility, and those who could secure the recom-

* The following rendering of the passage is from Mr. Worsley's edition of the *Odyssey*:—

"And I saw Sisyphus in travail strong
Shove with both hands a mighty sphere of stone.
With feet and sinewy wrists he, labouring long,
Just pushed the vast globe up, with many a groan;
But when he thought the huge mass to have thrown
Clean o'er the summit, the enormous weight
Back to the nether plain rolled tumbling down.

mendation of the Court, were admitted to participate in the training given by the Church, and the people were of no account. But the Reformation changed all that. One Church is no longer paramount. Antagonistic churches have sprung up, and these are split into sects as antagonistic as the churches. The education of the people has come into prominence, and the divided churches have fastened upon this; and while they have allowed the training of the nobility and the wealthier and middle classes to slip imperceptibly from their hands, they have held tenaciously by the education of the poor. The tradition, therefore, of the Middle Ages has come down to us in this form—that the elementary education of the poorer classes is the function of the church.

And it is this thesis which the different Christian communities of Europe, and America, and Australia are now disputing.

For many years past the most advanced nations in Christendom have been endeavouring to solve the problem of religious instruction in secular schools, and to adjudicate upon the conflicting claims of the different churches in the matter. But their endeavours heretofore have been rendered nugatory by the action of the clergy. The latter insist that wherever religion is taught, they shall direct the teaching. And if they only could agree among themselves as to the means and method of the teaching, it would be only right and proper that they should direct it. But they will not agree. Each section of the divided churches will have it taught in accordance with its own peculiar dogmas, and to the disparagement of the dogmas of all other sections. And the nations have reluctantly bowed to circumstances, and have sacrificed the secular education of the poor to the religious quarrels of the sects. And they still go on, each nation in its own way, seeking for some solution. Prussia and France have tried to solve it one way. Holland, Switzerland,

the United States of America, and Victoria, have tried another way. And England, Scotland, and Ireland, are still laboriously struggling to solve it any way.

In Prussia and France denominationalism has free play, but in both countries it is interwoven with Imperial or State policy. In Prussia the school and the Church are used as engines of the State to form between them good and loyal citizens, contented with the position in life to which they have been born. In France it suited the present Emperor in 1850 to conciliate the Church of Rome, and to subsidise the schools of that and the two other dominant communions. In both countries churches and schools go hand in hand, sharing endowments and educating the young on a plan predetermined by the State.

In other countries where the State is made for the individual, and not the individual for the State, denominationalism has for the most part been abandoned.

In Holland, after a protracted struggle, secular education in the State schools has carried the day. But primary instruction has suffered in consequence. Miscellaneous and sectarian schools have sprung up under the fostering care of a new system, which, under the name of "Liberty of Instruction," has recently come into being to the prejudice of efficient teaching.

In Switzerland, hours are set apart for religious teaching, and, as a rule in the several cantons, dogma is strictly excluded from the ordinary school lessons, it being regarded as the duty of the minister, and not of the schoolmaster, to give religious instruction. But here, too, the apple of sacerdotal discord has done its work. In the Canton of Freiburg, for instance, a feud has raged between the clerical and democratic parties since 1848, and has continued, with varying vicissitudes indeed, corresponding to the ascendency of the lay or clerical faction in the canton, but with unvarying bitterness.

[illegible]he United States it was provided by the Act of 1642

that "religious instruction should be given to all children." But, according to the most recent authorities, that Act, if not actually repealed, has been emptied of all significance by the progress of events and the disintegration of religious belief. It is found to be impossible to give religious instruction without favouring the tenets of some particular sect, and the result has been that "nobody in America, except the Roman Catholics, questions the propriety, indeed the necessity, of maintaining intact the undenominational character of the schools. Indeed, *on no other basis, in a country so infinitely broken up into different religious creeds, could a system of common public schools be maintained.*"*

In Victoria, under the national system which has been in operation since 1862, all State-assisted schools are open to children of all denominations, and four hours are set apart daily for secular teaching. Religious instruction is left to the parents and the clergy, to whom free access is given to the school buildings both before and after school hours, and the schoolmaster is not permitted to take any part in religious teaching. But even this is found to be unavailing. The war between the clergy and the laity over the body of the schools has never languished. And public opinion has come round to the only practical solution of the question—viz. that the schools must be taken altogether out of the hands of the clergy.†

Abroad, therefore, the struggle for ascendency goes on. Each nation is groping darkly, after its own fashion, to solve

* Report upon the Common School System of the United States, etc., by the Rev. James Fraser.

† On the debate on the clauses of the New Land Bill of the past Session, Mr. Higginbotham, one of the leading members of Assembly, and perhaps the most eloquent speaker in it, moved the following resolution:—"That a national system of religious education is at present rendered impracticable by ecclesiastical rivalry and dissensions, and by the unpatriotic policy pursued by the

the ecclesiastical problem, but it remains insoluble. And yet the tendency in all of them, even in Prussia, is towards some solution by which the State and the people shall have more, and the clergy shall have less, to say in the direction of the schools.

At home we are, but as yet only half-consciously, in the thick of a similar struggle. The phases of the fight in Scotland we have already given. We must now consider how it is proceeding in England and in Ireland.

In England the laity are just beginning to feel their strength. The clerical party, entrenched behind a network of defences composed of old ecclesiastical tradition, Tory and territorial sentiment, dislike of change, and all the *vis inertiæ* in politics that constitutes the great backbone of British Conservatism, are sitting securely but withal uneasily. And they have within the last few years gained over to their side much of that noisy but untrustworthy Radicalism which exists only among the representatives of the sister island.

On the side of their opponents may be counted many able clerical representatives of Dissent, both in England and in Scotland; the Presbyterian clergy in Ireland; the whole of that progressive intellect and practical capacity which organised and conducted the proceedings of the Birmingham League last October; and the influential body of thinkers, writers, and politicians, who favour the theories of secular education.

Imposing hosts are thus arrayed on each side, made up of many and of diverse bodies. Individuals there are of eminence who do not side with those with whom they usually think and act; but, speaking generally, the opposite factions

leading Christian sects. That the establishment of a public system of secular instruction, free from the interference of the religious sects, and under the direction of a Minister of the Crown, responsible to Parliament, is urgently demanded by the highest national interests, and calls for the immediate attention of the Legislature."

consist of the clergy, the Tory party, the landed aristocracy, and the bulk of the Roman Catholics, on the one hand—all represented by the Education Union; and on the other hand, of the more enlightened laity and the secularists, the Liberal party, and the people—all represented by the Education League.

Fifteen years ago the former party would have ranked the powerful body of Voluntaries in their forces. That party preferred the "*laissez faire*" element in British institutions to anything that savoured of bureaucracy. Education they would leave to the agencies of supply and demand; and they would not sanction the payment of religious teaching by the State. But they, or at least a large faction of them, have seen that "*laissez faire*" is not a doctrine to rely on for the education of the poor; that education alone can create the demand for education; and that the active energies of the State can alone supply an education which will extend itself throughout the land. Now, therefore, the majority of these bodies can be counted with the League rather than with the Union. They have made their choice, and prefer to throw in their forces with the State and not with the Church.

When the struggle takes a practical shape in England, and it is confidently expected that it will do so next session, there seems some probability that the fight will not be all one-sided.

With Mr. Forster at the head of the Education Department, and Lord de Grey President of the Council, and public opinion awakened and moulded by the operation of the Birmingham League to strengthen their hands, great expectations may be formed, and these expectations may be realised. In England, therefore, the prospects of the popular party are far from hopeless. But "les plus belles médailles ont leur revers;" and when we turn the medal, and look to Ireland, the reverse is exhibited in its most glaring features.

National education was established in that country in 1831, on the simple and intelligible principle of "combined secular and separate religious instruction." It happened that about the time of the foundation of this system, the leaders both of the Established and of the Roman Catholic Churches were moderate men. Through their influence it was carried that certain portions of Bible history, on which it was supposed that all Christians were agreed, should be embodied in a summary, and should form part of the education of the children. This step, which it was believed would have the effect of uniting the children of different denominations, and of removing the objection to the system that it was a "godless" one, unfortunately had a very different result.

It was soon found that there was abundant material for controversy even in the dry bones of a summary, and after the experiment had been tried for some years, the *Truths of Christianity* and the *Scripture Lessons* ceased to be used as school-books in the ordinary hours of secular education, and all religious teaching was confined to special hours set apart for the purpose.

In 1845 the Established Church first formally declared itself opposed to the National system, on the ground that it could countenance no schools in which the Bible was not recognised as an ordinary text-book. From that time the Episcopalians may be said to have left the system to its fate. And since then they have supported, at an enormous expense, a separate system of their own, with training schools, inspectors, boards, teachers, and scholars, connected with the Episcopalian Church. This separate system, as a whole, has been proved and acknowledged to be a failure.

The Presbyterians, as a rule, have cordially accepted the National system, and have so worked it that they find no fault with it, but desire its continuance, without any further changes than it has already undergone.

The Roman Catholic clergy have also taken advantage of it. Disguising their dislike to a National, and their preference for a Denominational system, they have used it freely for their own purposes. And circumstances have so worked into their hands, that, by an adroit use of concessions and changes, made and tolerated from time to time by the Board, they have skilfully contrived to make the most of nationalism while it lasted, and at the same time to pave the way for an era of denominationalism.

The first of these concessions was a very early one—that, namely, by which convent schools for girls, and for boys under seven years of age, were permitted to be taught exclusively by "religious persons." These convent schools were in their very nature denominational, but they were admitted to the full privileges of the National system. Non-vested schools, which are the property of individuals, and in which the manager determines what religious instruction, if any, shall be given to the scholars, were next tolerated, and were soon encouraged by the Board.

As the natural growth and development of this concession, it became inevitable that the teacher should be employed to give religious instruction. For he must needs be of the same faith as his manager who appoints him. Wherever, therefore, a handful of children exists belonging to a different sect from the majority, an application is made by the minister who represents this minority, or by a layman on their behalf; and the Board, acting on the principle that every sect must be soothed, and justice and fair dealing be dispensed to all alike, sanctions the foundation of a non-vested school, and thus recognises those which are non-national and practically sectarian. This, of course, suits the Roman Catholic body, for it helps towards the realisation of their wishes for a separation of sects, not voluntary, but compulsory. And the Episcopal clergy sedulously play into their hands.

And yet, putting aside these concessions, the Board has been faithful in the main. It has insisted on the strict observance of a conscience clause. It has, in the most absolute manner, required that secular and religious instruction shall be kept entirely apart. Notice is hung up in each school when the secular work is ended, and an interval of a few minutes is allowed for the children of a different faith from the manager to withdraw. This is the case even in the convent schools. Religious emblems and symbols, and everything of a sectarian character, must be kept out of sight during ordinary school hours. And more than this, it has recently been enacted that teachers must exclude children of one creed when they are giving religious instruction to those of another. Originally the rule was one of exception; now it is of absolute exclusion, unless the consent of the parent has been definitely given in writing.

The Board has been faithful also in maintaining a mixed system of inspection. Whatever the management may be, Protestants and Roman Catholics indiscriminately are appointed, and indiscriminately examine all the schools within their district. But, above all, the Board has been faithful in carrying out the original conception of the founders of the National system in regard to the Central Normal School in Dublin, and the District Model Schools. These still exhibit the most improved methods of instruction, train efficient teachers, and illustrate religious toleration, showing that it is quite possible for men and women of different faiths to live and work together in harmony.

It is against these schools that the Roman Catholic priests have lately made a determined set. So far back as 1862 the bishops of the Church adopted a resolution regarding them in the following terms, and to the present day they require the punctual observance of it, viz.—

"That, convinced of the importance of Catholic teachers being

trained only in Catholic model schools, we direct that no priest shall, after the first day of next term, send any person to be trained as a teacher, either in the Central or Model school, or in any other model school, or in any way co-operate with other patrons of National Schools in sending, after that date, teachers to be so trained, and that no teachers who shall be sent to be trained after that date in any model school, shall be employed as such by any priest, or with his consent."

They have denounced these schools as "by far the most objectionable part of the system." They have condemned them as specially dangerous, because they are "so well calculated to throw the education of Catholics into the hands of a Protestant Government;" and they have announced that "nothing less than their abolition will satisfy the Catholic bishops, priests, and people." Parents are commanded from the altar to withdraw their children from all the district model schools, and young men and women are interdicted from training themselves for their profession at the Central Normal School in Dublin.*

And the priests will prevail in the end.

Their latest move has been to appoint no trained teachers to their schools. They select some raw boy or girl fresh from a convent school, and set him or her to teach the children of the parish. These, of course, are mere dependants on their patrons. They receive a miserable stipend, the lowest scale sanctioned by the Board, and, with fees and perquisites all included, they are fortunate if they make out an income of £20 a-year.

It is not difficult to foresee the result of all this. It is already apparent in the wretched status and position of the

* In illustration of the spirit of hostility displayed against these schools by the priests, an instance may be noted, where, very recently, a first-rate Catholic teacher and a most obedient son of the Church, was warned that he would be deprived of his situation, *i.e.* his livelihood, unless he could persuade his brother to leave one of these schools, and he did persuade him.

teacher, and in the decay of efficiency in the schools. A man or woman who barely knows how to read, or write, or cipher, who has no acquaintance with method, or the principles of teaching, is not likely to interest or be interested in school-work.

The priestly party in Ireland have no objection to these results. They answer in their defence, "We have been forced to fill our schools with such teachers as these, because we could not conscientiously approve of the religious training given in the Normal Schools. We can at least depend upon the faith and the obedience of those we have chosen as our schoolmasters. But give us what we want, and everything will speedily be changed."

And what is it that they do want? The National system, they allege, has broken down, and has become in fact, if not in name, denominational. They wish, therefore, that it should be made so by enactment. Their full programme, in few words, is this:—Separate training-schools for Roman Catholics and Protestants; separate inspection; all restrictions on religious teaching removed; full liberty for the performance of religious exercises; the unrestrained use of religious emblems; and penal provisions directed against the admission to schools of any children of a different faith from that of the manager and teacher.

Such is the development of a system which began in 1831, with the hope of fusing together all denominations, and on the platform of "conjoint secular and separate religious instruction."

It would seem as if the ecclesiastical problem in Ireland could be solved in only one way now—by handing the whole education of the country over to the Church of Rome.

In Scotland, fortunately, the solution is of a less precarious character. Ireland affords an example of what a policy of concession has produced. Nothing could have been con-

ceived in a more tolerant spirit than the Irish National system. And if it were possible to unite the various sections of the churches on the matter of education by gentle means, their union would have been effected long ere this in Ireland. But, as we have seen, the very opposite spirit has been developed. Instead of harmony, we have had discord—a sulky discord on part of the Episcopalians ; an aggressive, dangerous discord on part of the Roman Catholics. And, instead of an efficient system of education, we have had the schools degraded to the lowest level.

The history, therefore, which has been given at such length in the foregoing pages, is important as exhibiting the effect of compromise in matters ecclesiastical.

The Irish system was founded on compromise ; it was undermined by concession ; and it has gone to ruin.

In attempting to suggest some scheme for Scotland, which will satisfy the clergy, and at the same time supply the people with both religious and secular instruction, we must never lose sight of the mistakes of Ireland. Neither must we forget that in every other civilised country the progress of events is tending towards the increase of lay and the decrease of clerical influence in school direction.

How, then, is the ecclesiastical problem to be solved in Scotland, and how, in the divided state of public opinion, can religious and secular teaching be combined? It behoves every one who is interested in the subject of education to apply himself to this inquiry, and to contribute, each in his own sphere, any suggestion, however crude and however small, which he thinks may tend to the desired accomplishment.

This is the question to which the remainder of this paper will be directed.

If we are prepared in Scotland to give up as hopeless any solution of the question which has hitherto been suggested, the ground becomes proportionally cleared, and the construc-

tion of a new system proportionally facilitated. Are we then prepared to do so? Every one is agreed on this, that existing arrangements are merely transitional, and that unless we are willing either to be absorbed in an English system, or to lie complacently dreaming of our past success, while all other civilised communities are fast forging ahead of us, we must bestir ourselves to do something.

Two solutions of this ecclesiastical problem have been propounded, the one being that of the bill of 1854 to provide separate hours for religious instruction in the schoolroom under the schoolmaster; the other that of last year's bill, to leave the question of religious teaching to the determination of local committees.

Neither of these schemes is satisfactory.

The first has been tried in Switzerland, and has failed. It has been tried in Victoria, and has produced nothing but mischief. It has been tried in Ireland, and has ruined education.

The second has been tried in America, and has resulted, as it inevitably would result in Scotland, in incessant and unseemly quarrels among the local dignitaries in the different churches, and between them and the lay representatives. In Scotland, where every parish and every town-council contain within themselves unfathomable depths of the bitter waters of sectarian strife, such a provision would be nothing more nor less than the opening of the flood-gates through which the whole community would be inundated.

But there is another method which, so far as we know has not been tried, though it has often been advocated;—

And that is, to forbid all religious teaching in school and by the schoolmaster. And to this there must be no exception. Neither the Bible, nor the Catechism, nor selected passages, nor summaries, should be permitted in the schools. Instruction imparted by the schoolmaster, and within the school buildings, should be absolutely confined to what is secular.

And let there be no misunderstanding here. Religious instruction we hold to be the most essential part in the education of every child, and it is just because it is so essential that we would forbid it in the schools. Education is the quickening of the conscience and the understanding. Secular instruction alone can quicken the understanding; but a quickened understanding with a dulled conscience will not help on the education of the world. There is the higher and more spiritual nature to be developed—the θεῖόν τι—the spark of divinity—which exists somewhere in every man, and distinguishes him from the brute creation. And for this development we must look mainly to religion.

How then is religion to be taught?

There are three agencies to which the poor man's child, equally with the rich man's child, must trust for his religious training—his parents, or his teacher, or his minister. From his parents he can get something, and in Scotland, since the Reformation, as all history testifies, he always has got something. But a man engaged in manual labour all day cannot devote much time to the teaching of his children at night; and the household duties of the labourer's wife must necessarily curtail the opportunities which she has of performing those of a mother. From his parents, therefore, he cannot look for very much.

From the schoolmaster he, no doubt, does get a good deal of what in elementary schools is called religious knowledge. But what is the true character of that religious knowledge? Instruction in religion is of two kinds. It is either dogmatic and doctrinal, or it is historical. In elementary schools, the teachers, by means of the Catechism and the Bible, attempt to teach religion in both these aspects, and they succeed in neither. Schoolmasters trained in a normal school, or in a Scotch university, cannot possibly have such a knowledge of dogmatic theology as should warrant them in expounding the mystery and significance of the doctrines of Christianity.

And yet, almost invariably, they profess to expound them. Taking for their text the abstruse system of theology propounded in the scholastic phraseology of the Shorter Catechism, many of them consume much valuable time in preaching abstract doctrinal phrases at their stupified and half-conscious pupils. And these helpless children, many of them almost infants, are expected to reproduce these phrases. And the poor things do reproduce them—parrot-like, but without intelligence. Answer and exposition, and meaningless words of antiquated Calvinism, are jumbled together in their minds. Their memories alone are stimulated, their understanding and imaginations stunted. And even their memories are not always stimulated to work with accuracy.* They leave their schools with a jumble of uncomprehended theological phrases in their heads, and, as a well-known Scotch minister recently said, "with a recollection of dull-drilled lessons, dog-eared Shorter Catechisms, dirty Testaments, and general disgust."

In ninety-nine cases out of a hundred such is the only fruit which is gathered from the dogmatic training in the schools.

And the schoolmasters are not more successful in their historical treatment of religious instruction. The Assistant

* In illustration of this, we give a quotation from the Reports of the Assistant Commissioners:—"About five hundred children wrote out the answer to the question, 'What is Baptism?' and, at the lowest estimate, at least one hundred and fifty of them from schools in all parts of our district made the same mistake. The answer to the question runs in this way: 'Baptism is a sacrament, wherein the washing with water in the name of the Father, and of the Son, and of the Holy Ghost, doth signify and seal our ingrafting into Christ, and partaking of the benefits of the covenant of grace, and our engagement to be the Lord's.' Instead of writing 'doth signify and seal,' etc., these one hundred and fifty children wrote, 'and doth signify and *zeal*,' etc., showing distinctly that they had no understanding of either question or answer, but used the word 'zeal' as a sort of word that they had been accustomed to ciate with sacred things."

Commissioners in the recent Scotch inquiry, both those who visited the county districts and those who visited the Highlands and Islands, are filled with amazement at the state of Biblical ignorance in which they found the children attending school. They speak of the religious teaching as being "almost universally unsatisfactory:" of nothing in the whole course of the inquiry being so "remarkable, or so unexpected, as the want of accurate knowledge and appreciation of the general facts of history recorded in the Bible, displayed by the children at school:" "of inconceivable ignorance displayed by nearly all the children of the commonest events in the life of Christ:" "of surprise and disappointment at the meagreness and deficiency in religious knowledge." And it must be admitted that the numerous instances which they record of ignorance on part of the children, bear out their conclusions to the full. And these views are corroborated by most of the inspectors, both in England and Scotland, who have spoken out upon the subject.*

And, after all, considering the manner in which religious instruction is generally given, it would be even more surprising if the children did carry away either wholesome religious impressions or definite Biblical information from their schools. There is something distasteful to the mind in the method of teaching pursued by the majority of schoolmasters, when they come to deal with the more impressive facts recorded in the

* As a single instance, the following extract from a Report furnished last year by the Rev. F. C. Routledge, H.M. Inspector of Schools, to the Committee of Council, may be given. It is called an "exact copy" of a Life of David, written, he states, by "an otherwise shrewd and clever boy:"—"David was the son of Saul, and when he was yet quite young he could play upon the harp; when his father was in trouble he used to send for his son. But above when Beltahazzar were having a large feast they were an hand upon the wall, and Beltahazzar were afraid, but he called for his physicians together, so has he would get to know what the handwriting was? But they could not tell him, so then he said he would give any man a new suit of clothes that could tell him. So then he sent for David and David told him."

Old and New Testaments. No doubt it is difficult for a man of the ordinary elementary schoolmaster cultivation to hit the proper medium when he is teaching the solemn mysteries of the Christian religion to mixed classes of children. He is so very apt to fall into an unnatural and unhealthy unctuousness on the one hand, or a hard and mechanical woodenness on the other. But this very difficulty only proves that the policy of entrusting the religious training of the young to their ordinary teachers is mistaken. "The schoolmaster who throws away religion," it has been said, "throws away his best weapon." But any one who has been in the habit of visiting schools, and has listened to the manner of communicating religion followed by many of the old-fashioned, and still more of the pert new-fashioned Normal School teachers, both male and female, is satisfied, very early in his experience, that the sooner religion—as generally taught—is "thrown away" from the schools, the better it will be for religion, and for the teachers, and for the schools, and for the children.

If, then, all religious teaching in the schools and by the schoolmasters is forbidden, how is that teaching to be given?

We must look to the influence of the clergy, and to the voluntary co-operation of the benevolent in their several congregations, both men and women, acting together for the systematic development of Sunday and religious schools.

But the clergy cannot give their time to the superintendence of the Sunday-schools. They are overworked on Sundays, and flesh and blood could not stand the exhaustion of two or three hours' teaching in addition to the ordinary ministrations in the church.

This is true as the fashion is at present. But is it not possible to introduce some modification in the daily church services, by which the labour of the minister may be lightened? Is there any sacramental efficacy in two services every recur-

ring Sunday? Are eight sermons each month, one hundred and four sermons each year, one thousand and forty sermons each decade of a clergyman's life, essential for his own well-being, or for the salvation of his flock? When one calculates the time, and the labour, and the exhaustion of energy, represented in the thinking, and the writing, and the preaching of more than one thousand sermons in a brief ten years, and when to that calculation one adds the vast multitude of useful, and intelligent, and highly-educated men, who are consuming themselves year by year in the laboriously mechanical process of sermon-making, one is startled at the almost profligate expenditure of human talent and usefulness which is thus absorbed.* There is no rule of God inculcating the necessity of one hundred and four church services every year, nor the necessity of two sermons every Sunday; and if there should be some such rule of mediæval man handed down to our time by canonical tradition, are we to be bound by it, hand and foot, for ever? The custom has become inveterate by the lapse of centuries. It is engrained in us as part of our social system, and generations may pass before this tradition is radically changed.

But modified it must be ere many years have passed. Many people, even now, following paths of their own a little removed from the grooves of custom, begin to question the urgency of routine bi-weekly church attendances. They find it consistent with reason and with common sense, and to the edification of themselves and their families, to attend with less monotonous regularity, but perhaps with more intelligent sympathy. It remains for the clergy to make a similar discovery. If they could but admit to themselves that their use-

* Dean Ramsay, in his *Pulpit Table-Talk*, estimates that there are "75,040 sermons delivered every Sabbath day in the churches of Great Britain alone, or the enormous number of 3,902,080—*i.e.* near FOUR MILLIONS of sermons during the year!" Forty Millions of sermons preached every ten years in England and Scotland, indicate a great wealth of clerical energy.

fulness is not directed to the best end so long as they exhaust themselves by following too strictly in the old routine, what a saving of human energy might not be made! If we could imagine a state of society where there was only one church service every Sunday, and one well-considered, well-written, sermon every fortnight—and no ordinary man can write more than twenty-six honest sermons in the year — how much valuable time might not be gained for the religious teaching of the poor.

The clergy, who are the only trained teachers of religion, might thus enter upon this hitherto badly-cultivated field. In their individual characters, as parochial ministers, as men of just estimation in their congregations, and of influence in their districts, they have done much to advance education, while in their corporate capacity, as sectarian leaders in ecclesiastical assemblies, they have done still more to retard it. In their country parishes and their town congregations they have, as a rule, beneficially used their position to induce the parentage of the country to take advantage of such schools as now exist. If they would exhibit the same pious zeal in developing organisations for religious teaching, they would confer an inestimable blessing upon the country. In every church they would find worthy and enlightened fellow-labourers to aid them in the good work. There are many educated men who would willingly co-operate, and there are many benevolent and energetic women who would zealously devote themselves to such a cause, and who would thus find a source of interest which hitherto has been wanting in their lives, and a sphere of usefulness more profitable and more in harmony with the feminine character than some to which they have turned of late.

Funds, no doubt, would be required to organise such a system as is here foreshadowed. But as soon as the State undertakes to supply secular, funds will be forthcoming for

religious, education. One of the first arguments against a National system is, that the sources of Christian benevolence will be dried up by its operation. Under this new system these funds would not be dried up. They would merely flow through another channel. They would provide exclusively for religious education, while secular education would be provided by law. By such a system the youth of the country would be assured of sound secular education in their schools; they would equally be assured of sound religious education in their churches, and in accordance with the phase of religious faith which their parents follow.

This, then, is the simple suggestion which we would here venture to advance.

The Church is bound to supply religious, the State is bound to supply secular, education. Leave the latter to the State, the former to the churches. Forbid all religious teaching in the schools and by the schoolmasters, and then the question of direction by the churches falls. Leave religious teaching to the clergy. Encourage them to organise and develop their Sunday and religious schools, and to invoke the co-operation of the benevolent in their congregations; and induce them at the same time to modify their Sunday ministerial functions, so that they may have time and energy for the performance of other functions no less profitable—their functions as religious teachers of the children of the poor.

Such is the solution of the ecclesiastical problem which we would humbly suggest, and which we have every confidence would be received with acquiescence, and even with approval, by the parentage of Scotland if they were left to themselves. But would they be left to themselves if a measure were proposed embodying such a solution? This is a question difficult to answer.

In all matters of reform there are three stages—one of incredulity, one of opposition, and one of agreement as if in something that is old and well ascertained. We have got over the incredulous stage. People, at least those of the intelligent order, no longer look upon the proposal to separate religious from secular education as a "godless" proposal, and many are prepared to urge the separation as the one method of saving both. But we have not got over the second stage. And yet we are so sanguine as to believe that we are nearly within sight of land, even in this stage. The clergy must begin to know that, in the present state of public opinion, they cannot afford to be exacting. The tide has decisively turned against ecclesiastical pre-eminence, and is running strongly, and up to this time smoothly. It would be disastrous for the country, for religion, and for education, if needless opposition were to convert this smooth deep current into a raging torrent, overwhelming all things, both useful and obstructive, in its course.

Would they then be wise in season, and use their influence to help in furthering some such solution of this question? Under such a proposal as has been tendered, they would have the absolute and exclusive control over one-half of the education of the young. No one but themselves would have any official direction in religious teaching. They would be relieved from all State interference, and, while the work of religious teaching would be more efficiently performed than it is at present, the influence of the clergy over their flocks would not be diminished, but would be in all probability increased. And while the State would discharge the duties incumbent upon it by supplying practical education to the citizens, and fitting them for this world, the Church would fulfil its functions by supplying spiritual education to the members, and fitting them for the next.

We would fain hope that the clergy would see that it is

for the interest of all to get as speedily as possible to the end of this long struggle.

If, then, the principle urged above were once accepted, the minor obstacles would soon be cleared away. These are but "molehills" after all. And if once we can surmount the mountain, the levelling of the molehills will not be long postponed.

What are these molehills? There are but two of any real importance, and neither of them should delay legislation long.

The most formidable in Scotland, and in England too for that matter, is the vested interests which the churches have in existing schools. This is a real obstacle to the establishment of any new system. But surely it is not insuperable. The demands of the various sects who possess schools of their own cannot be so excessive in a small country like Scotland as to preclude all possibility of a reasonable arrangement. If the churches are willing, the State can find a way; and if they are not willing, they must be disregarded. The Birmingham League has forged a weapon, which, if vigorously applied, would bring the most exacting to reason. Provide gratuitous education in the new State schools, and those belonging to the sects must soon be forced to close their doors. This would be a most effective weapon, but it is one that must be kept rigorously in reserve. Gratuitous education is not good either for the children or their parents. But gratuitous education is better than no education. It would be more profitable for the State that 92,000 Scotch children should receive an education for which their parents did not directly pay one penny, even at the sacrifice of a certain amount of independence of character, and a certain amount of regularity of attendance and consequent efficiency, than that, owing to dissensions among the leaders of the different sects, those children should be deprived of the elements of secular instruction.

The obstacle second in importance to the early settlement of the question is one which will be raised, neither by the clergy nor by the Tory party, but by the more advanced of the opposite faction, and mainly by the representatives of burghs. Compulsory education will be urged by many, and some who would strain at the gnat of separation between religious and secular teaching, will swallow greedily the camel of compulsion.

But if our representatives would look at the matter with their own eyes, and not through those of the more clamorous but perhaps less philosophical of their constituents, they would recognise the fact that the passing of an act compelling the attendance of children at school, and punishing them or their parents by fine or imprisonment if they do not attend, is a much more serious innovation, and a much more fundamental revolution in our social fabric, than the separation of religious from secular instruction.

For what does it involve?

It involves the principle that the State is entitled to establish a surveillance over the most private arrangements of our domestic life, and to subject us all to a system of legalised espionage.

This is a principle which is accepted in many foreign states, and is rigorously enforced in many relations of life. To some small extent, in the Vaccination Act for instance, it has been recognised in this country. But even the slight interference with the liberty of the subject involved in the working of that Act, is unpopular with many. It might be well, therefore, that we should pause before we extended the principle, unless the necessity for such extension is made more manifest than it is at present. It is only too true, if the Commissioners are correct in their calculations, that there are 92,000 children attending no school. But it is equally true that wherever, either in town or country, there are good schools

existing, these schools are well filled; and wherever there is adequate school accommodation and efficient teaching, there is no difficulty in securing attendance. The Commissioners establish this to demonstration, and a careful analysis of the Assistant-Commissioners' Reports proves that in whatever parish or locality the teaching is pronounced to be good, there the rate of school attendance is high, and where the teaching is bad the attendance rate is low. And from this it follows that it is the want of good schools that produces destitution, and not the want of will on part of the Scotch parents.

Establish efficient schools first, and if these are not attended then establish compulsory education. But do not yield to a popular cry, and commit the State to a principle which is repugnant to our ideas and opposed to our institutions, until it is absolutely proved to be necessary.

And it must be ever borne in mind that foreign countries, where the compulsory principle has been developed, do not give us much encouragement. The practical difficulties in carrying out the principle have nowhere been successfully overcome. In four of the cantons of French Switzerland education is compulsory; but the school attendance is as high in the canton of Geneva, where it is not compulsory. The holidays have become too long; the children's labour is too valuable to be spared; exemptions are given freely by the inspectors; and the whole system has been characterised by competent authorities "as inquisitorial and inoperative." In Prussia the compulsory system is fully organised, but regularity of attendance varies in different districts according to the temper of the local committees; and in towns, owing to the demand for child labour, even under the highly-trained vigilance of the Prussian police, it is found almost impossible to enforce the law. In America a provision for compulsory education exists, with a penalty attached; but, according to Mr. Fraser, "the idea of enforcing this penalty seems never to

have been entertained—its existence even is not generally known;" and in most States no attempt is ever made to enforce the law against "truancy," except in cases of homeless wandering children, who are liable to be sent to reformatories.*

These facts, drawn from foreign experience, are well worth considering before we in Scotland sanction this new development. The question of compulsion may safely be postponed until schools are provided. When these are provided, and parents neglect to use them, then it will be time enough for the Legislature to interfere.

Meanwhile, let us waste no more precious time. A well-considered measure providing machinery for the establishment of schools wherever they are wanted; enjoining secular and forbidding religious teaching in these schools; enforcing compulsory rating; sanctioning liberal grants in aid through the Education Office from the Consolidated Fund; organising efficient and universal inspection; and instituting central and local supervision over the whole system, might be introduced into Parliament, and passed into law in the ensuing session.

Such a measure would be simpler in its provisions, but not less effective in its operation, than the lost bill of last year. It would be free from all the irritating restrictions introduced into former bills to gratify the jealousy of the different ecclesiastical sects. The cumbrous machinery of a conscience clause would be unnecessary. Enthusiasm would be enlisted on part of that large and influential section of the Liberal party who cavilled at and distrusted all previous efforts at legislation, on the ground that they leant too much

* It has been calculated that in the City of New York (population 800,000), there are "not far from 100,000 children within the city who either attend no school, or whose means of instruction are restricted to the very briefest period." —*Official Report* for 1865, by Mr. Randall, New York City Superintendent, quoted by Mr. Fraser, p. 35.

to the side of compromise, and who felt no affection towards the hybrid between nationalism and denominationalism which so nearly passed last session. Everybody, of course, will not be satisfied with this proposal; but, as has been said lately, "if we wait for an Education Bill that will satisfy all parties, we must wait till the crack of doom." But take the opposition at its worst. Suppose the clergy and the leaders of the different sects as blind to their own interests, and to the interests of the young, and as obstinate as heretofore, they cannot be more actively hostile than they were last year. And last year's bill was all but carried. The Lords will scarcely venture to sacrifice another Scotch Education Bill to Moloch. They have done it twice already; and though they cannot be justly blamed for their action in the matter at the close, they have not increased their popularity in Scotland as a legislative body by their treatment of the bill at the beginning of last session.

But it may be still objected that, even in the Commons, the English Education Bill will stop the way, and that it will be impossible to run a comprehensive measure for Scotland alongside of it. This objection does not seem insuperable. It is a mere matter of time. If, however, it should be considered insuperable, Scotland must be resigned. It would be well worth her while to wait one session, if by so waiting she should gain her end, and be the first among nations to secure what, sooner or later, they must all accept—a system of secular instruction in the schools, and a system of religious instruction in the churches.

A. C. S.

MR. MILL ON TRADES UNIONS.

A CRITICISM.

In all matters of Political Economy, the present generation of Englishmen pins its faith to the sleeve of Mr. Mill. Any utterance of his, therefore, is an event, not only in the history of the science but in the history of the nation.

In his latest writings, Mr. Mill has spoken out in a manner which, to our thinking, is detrimental to the common weal. In two essays, published in the *Fortnightly Review*, Mr. Mill, in reviewing Mr. Thornton's late work *On Labour*,* offers an apology for Trades-Unionism; treating the matter first economically, and then ethically. In both points of view, we hold that he teaches erroneous doctrine; and on each head we now propose to offer some observations. When false teaching comes from one who is held in honour as a prophet, it falls with the weight of a calamity on the people; and it behoves those who differ from him, laying aside false modesty, to protest, with what force is given them, against the authoritative error.

Let us, first, consider the matter from a purely economical point of view.

A science of Political Economy is only possible, on the assumption that human desires, like other natural forces, are subject to the Reign of Law. Under such regulation, the world of industry developes into a cosmos: without it, we can only have the internecine strife of anarchical egoisms. The economic organism is the orderly arrangement of human desires, by which they are mutually checked and harmonised;

* *Fortnightly Review*, May and June 1869.

and individual self-seeking is made to minister to the general good. Order is the end of the Divine government; and the object of economic science is to ascertain the laws, which harmonise the antagonist interests of the industrial world.

But, in these latter days, men chafe against the rigidity of economic law. The bane of our times is our want of Stoical nerve. We so shrink from all pain, that even the control of natural laws seems to us unbearable. Science itself has to be tempered by sentiment, lest it offend our too sensitive souls. Yet this is wholly to misconceive the nature of the economic organism. Rightly understood, it is an organised humanity. Its whole scope is, to guard men from oppression; to shield the weak from the violence of unbridled greeds and lawless caprice. Ethical and economical law, though various in their operation, are one as to their end. Free competition, by unconscious moulding of human desires, brings about the same adjustment of industrial interests, as would be enjoined by morality on the conscious will. The same Divinity, that, in the world of sense, doth shape our ends, in the spiritual world is a law unto our wills.

Such an economic reign of law is nowise alien from Mr. Mill. Rather, it has been the noblest labour of his life, to build up, on a sure foundation, a durable system of economic laws. But in his latest utterance, he has laboured to establish such a limitation of the authority of one important law, as, if made good, would shake the whole fabric of economic science.

In his first Essay,* Mr. Mill sums up his economical argument thus :—"The doctrine hitherto taught by all or most economists (including myself), which denied it to be possible that trade combinations can raise wages, or which limited their operation in that respect to the somewhat earlier attainment of a rise which the competition of the market would have

* *Fortnightly Review*, May 1869, p. 517.

produced without them,—this doctrine is deprived of its scientific foundation, and must be thrown aside."

This is serious. If this dictum of our first living economist is to be accepted as sound, the cause of Unionism is established. Theoretically and practically, the Unionist is confirmed in his policy. An impassable barrier—if he could be brought to believe in it—might give him pause; but nothing else will. If no natural law stands in his way, it is childish to trust to moral or prudential restraints. The heart's desire of every Unionist is less work and more pay. This end he will assuredly pursue, unless some sore experience convince him that, in seeking to achieve his end by force, he is simply kicking against the pricks. But if men whose authority he has been taught to revere, assure him, that the received teachings on this matter are naught, and that a portion of the capitalist's gains is actually within his grasp, assuredly he will clutch at it, and take his chance of what evil may befall him, from overstepping the shadowy boundary line of prudence or morality. A doctrine so momentous it behoves us to weigh well, before accepting it as true. Practically, the question comes to this: Are masters and workmen, in contracting for the hire of labour, subject to the control of natural laws; or are they left—more or less—to the rule of caprice and force?

We shall consider, first, Mr. Mill's new doctrine as to wages; and secondly, his assertion, that combination is necessary for the protection of the labourer.

First, then, of the law of wages. Hitherto we have been taught that the price of labour, at any given time and place, is not a matter left to the volition of the contracting parties; but is determined for them by a self-adjusting mechanism of natural forces. The amount of capital devoted to production —according to the prevalent strength of the effective desire of

accumulation—determines the force of the demand for labour: the number of labourers desirous of employment—in accordance with the prevalent strength of the instinct of population—regulates the supply. All unknown to the capitalist and labourer, the rate of wages is fixed for them, by the natural adjustment of these antagonist forces; the amount of labour demanded by the whole body of capitalists, on the one hand; the amount supplied by the whole body of labourers, on the other. As Mr. Mill himself has tersely put it, in his *Political Economy:* "Wages . . depend on the ratio between population and capital." *

When, therefore, the capitalist and the labourer come to divide the product of their joint industry, they find the division ready made to their hand. The profits due to the one, and the wages due to the other, have been apportioned, by the unerring agency of natural influences, and no room is left for cavil or coercion.

So thought the old school. But now the Unionist and Mr. Mill think otherwise. In their view, the process of division is little better than a scramble, in which the harder you struggle, the more you will get. No doubt, Mr. Mill is too much of a philosopher, to believe in a reign of pure force. He attributes a large amount of power to law. But he does teach to his Unionist pupils—no unapt scholars—that some portion of profit may be forcibly taken out of their masters' pocket, and put into their own, without risk of retributive penalty. "The power of Trades Unions"—thus Mr. Mill winds up his argument—"may be so exercised as to obtain for the labouring classes collectively, both a larger share and a larger positive amount of the produce of labour; increasing, therefore, one of the two factors, on which the remuneration of the individual labourer depends." †

* *Political Economy*, book. ii. chap. ii. §. 1.

† *Fortnightly Review*, May 1869, p. 518.

This doctrine of wages contradicts a peremptory canon of economical science. It rests on the monstrous assumption, that it is possible to take from profits and add to wages, without weakening the effective desire of accumulation. According to Mr. Mill's own statement of his new theory: "There is absolutely available for the payment of wages, before an absolute limit is reached, not only the employer's capital, but the whole of what can possibly be retrenched from his personal expenditure."*

This, we take it, is to upset the whole doctrine of the accumulation of capital. That doctrine is, simply, the scientific statement of the common-sense view, that the inclination of mankind to save and to produce, will be in proportion to the gains from saving and producing. That doctrine flatly contradicts Mr. Mill's proposition, that: "There is no law of nature making it inherently impossible for wages to rise to the point of absorbing not only the funds which he [the capitalist] had intended to devote to carrying on his business, but the whole of what he allows for his private expenses, beyond the necessaries of life."† That such a law of nature does exist, and that a peremptory one, is vouched for by no less an authority than Ricardo. That master of the science writes :‡ "Their [the employers'] motive for accumulation, will diminish with every diminution of profit, and will cease altogether when their profits are so low as not to afford them an adequate compensation for their trouble and the risk which they must necessarily encounter in employing their capital productively."

Nor is Mr. Mill's new doctrine more consistent with his own well-established doctrine of profits. In his chapter, "On the tendency of profits to a minimum," he observes: "There is at every time and place some particular rate of profit,

* *Fortnightly Review*, p. 517. † *Ibid.* p. 517.

‡ Ricardo's *Works*, Macculloch's edition, p. 68.

which is the lowest which will induce the people of that country and time to accumulate savings, and to employ these savings productively."* This is the so-called "minimum rate of profit;" and of the inevitable tendency of profits towards that minimum, he adds, a little further on: "When a country has long possessed a large production, and a large net income to make savings from, and when, therefore, the means have long existed of making a large annual addition to capital . . it is one of the characteristics of such a country, that the rate of profit is habitually within, as it were, a hand's-breadth of the minimum."† Where, then, is the margin of profit, which can be "retrenched from the personal expenditure" of the employer, and put into the pocket of the Unionist?

In his latest paper, Mr. Mill himself admits a certain impassable limit, beyond which wages cannot rise. He puts it thus: "What is true, is, that wages may be so high as to leave no profit to the capitalist, or not enough to compensate him for the anxieties and risks of trade; and in that case labourers would be killing the goose to get at the eggs."‡ This looks like a return to the good old doctrine of accumulation. To make his lesson thoroughly orthodox, he has only to add, that for the labourer to starve his goose, till it lays fewer eggs or none at all, would be as suicidal an act of folly as to kill it outright.

Mr. Mill's new theory, then, seems to us untenable. It is opposed to all the best teaching of the old masters; and is not even consistent with his own established principles. No doubt, it is physically possible for the Unionist to filch from his employer, some portion of his due share of the product of their joint industry; but not without provoking the stern

* Mill's *Political Economy*, book iv. chap. iv. § 3.

† *Ibid.* § 4.

‡ *Fortnightly Review*, June 1869, p. 690.

Nemesis of law defied. Dwindling demand for labour is the sure retribution for all unjust curtailment of the employer's gains. The capitalist disappears with his profits.

No doubt, as Mr. Mill grimly remarks: "The labourers need only capital, not capitalists." But as capital does not fall from heaven, like manna, and is only found in the hands of the hard-working, self-denying capitalist, it may be well worth the labourer's while to keep that useful gentleman, not only in life, but in such good heart, as may encourage him to go on accumulating the means of subsistence for the labouring community.

It is a vain imagination, that the labourer can appropriate any portion of his master's profits, without ultimately diminishing the means of his own subsistence. No legerdemain can turn profits into wages, without checking the growth of capital, and so lessening the rewards of labour. The bee-master contrives to rob his bees of their stored-up wealth, and cozens them into continuing their accumulation, by leaving them some modicum of necessary subsistence; but the labourer will try in vain to trick the capitalist into such unprofitable accumulation. He will not get his human bee to go on working and laying up, while he, the labourer, is quietly devouring the honeycomb.

Again: the new law of wages is not only unsound; it is futile. However it may be with the law of accumulation, the law of population remains in force. "On the side of supply," Mr. Mill informs us, and we thank him heartily for the information, "the law as laid down by economists remains intact."* Here, then, a countervailing force is ever at work, which will infallibly undo whatever is done by a relaxed law of wages. Let the demand of capitalists be what it may, the labourers will inevitably people up to it. Although the new law were

* *Fortnightly Review*, May 1869, p. 517.

established in regard to capital, the old law of population would prevail against it.

Practically, therefore, the new law of wages, even if true, would not benefit the labourer a jot. Though the Unionist could succeed—as he can not—in forcibly adding to his wages the superfluities of his employer, without weakening the desire of accumulation, he would not permanently better his own condition. The irresistible instinct of population would baffle his design. Of his own free will, the labourer would bring up the numbers of his class to the old standard; his unjust gains would disappear; and he would be left with the remorseful consciousness, that he had wronged his fellow-man in vain.

And, on the other hand, were it possible—as it is not—for an unprincipled employer: "to keep wages lower than there is any natural necessity for,"* the law of population would redress the wrong. A diminished supply of labour would bring down upon the oppressor the inevitable retribution. Thus, in every point of view, the new law of wages would prove as futile in practice, as it is false in theory.

We hold, therefore, that Mr. Mill is bound to do one of two things; either, to show how his new theory of wages is to be reconciled with his old doctrines, as to the accumulation of capital, a minimum of profits, and the increase of population; or, formally to recant his former confession of faith. In the one case, he will perform a feat of logical dexterity, marvellous even for Mr. Mill; in the other, he will show how far he is prepared to sacrifice fundamental tenets of his science to the Moloch of Unionism.

We now turn to the alleged necessity for combination, to enable the labourer to contract on equal terms with his employer. "In the contest of endurance," says Mr. Mill, ". . . nothing but a close combination among the employed can give

* *Fortnightly Review*, May 1869, p. 518.

conversant with the hiring of labour. No intelligent foreman, who has stood at the gate of a public work engaging hands, has failed to note the different bearing of the workman in good times and in bad. When trade is dull, the labourer deferentially creeps up to his employer, whispering, with bated breath, his humble petition for employment. But let hands get scarce, and labour be in demand, and unconsciously he alters his tone, and raises his demands.

No employer seems more powerful, or more able to oppress his men, than the great contractor, with a joint-stock company at his back. And so he is, when work is scarce and men are plentiful. Then he can knock his men about, pretty much as it may please him. But when railway bills are rife, and a demand springs up for strong arms to wield pick and shovel, then no man so independent as your isolated navvy. Feeling his importance, he offers himself to no one, but stands quietly in the market-place, smoking his pipe, and waiting to be coaxed; and it is only when the bewildered contractor yields his utmost demands, that he deigns to take off his coat, and handle his pickaxe. He knows that he has the ball at his foot; that if refused work on this line, there is a job awaiting him on that; and he suits his tone and his terms to the occasion.

The secret of his power is, not combination, but competition: not the union of helpless labourers, but the rivalry of powerful capitalists. All this the baffled contractor knows—to his cost; and to tell him, that "nothing but a close combination" can give this imperious navvy "even a chance of successfully contending with his employers," must sound in his ears like a dismal mockery.

Combination, then, is no protection to the labourer: it is worse; it is a danger to him. The organisation of labour is a direct challenge to the counter-organisation of capital: and when it comes to a battle of organisations, the weaker power must go to the wall. Isolated, the labourer is weak or strong,

according to the relative growth of capital or population; but labourers organised as against capitalists organised are, by the nature of things, the weaker party. Then poverty is opposed to wealth. The foolishest thing the labourer can do is to give up the natural safeguard of competition, for the delusive protection of an artificial combination. By so doing, he provokes a conflict of organisations; and brings capital and labour face to face in open warfare. But when wealth and poverty are thus pitted against each other, and a war of classes takes the place of individual higgling, the victory will be with the heavy battalions. And so it may come to pass, that combination shall give to the wealthy capitalist a power of oppression, which competition would have held in check.

We protest, then, against the later teaching of Mr. Mill, in that it lends the sanction of his authority to serious popular errors. It labours to underbuild the system of Unionism, with an *ex post facto* scientific basis; bidding the workman trust to combination, rather than to competition; and promising him, by that means, higher wages and more complete protection. Now, this is to reverse the aim of philosophic teaching, whose highest work is to dispel illusion. The end of all who undertake to educate the working class should be, to trace the sources of their cherished fallacies; to couch the film that obscures their vision, and give them clearer insight into the real conditions of their welfare. This, as it seems to us, Mr. Mill conspicuously fails to do.

That such a master of economic science should offer the workman guidance so misleading, may well excite our special wonder. The cause of the portent, we believe, is this: Mr. Mill has let himself be swayed by feeling. His generous heart is touched with pity; and he casts about for some scientific warrant for his yearnings. All his sympathies are

with the workman struggling with his master; and, recoiling from the stern sentence of futility which, in common with other economists, he had once pronounced against the efforts of the Unionist, he modifies his stricter doctrine to save the cause of combination.

This subordination of science to sentiment does not belong to Mr. Mill alone: it is the characteristic of a school. Mr. Mill, though prone to pity, is too philosophical to yield entire mastery to feeling. But there are those amongst us, who do not scruple to let sentiment lord it over intellect; and to whom the rigidities of economic science are so repulsive, that they refuse belief to any law that grates upon their sensibility. And so, there has risen up what may be called the soft school of Political Economy which, setting aside, as old-fogie, the so-called rigid school, tempers its doctrines to suit the delicacy of its nerves. Now, this is to trifle with science. Truth is truth, whether we like it or no: and to reject doctrines, because they jar upon our feelings, is to be unfaithful to our reason.

We confess, we have but scant sympathy with our modern reformers of Political Economy, who, while professing to "dig about its roots," do not scruple to pull up and cast aside principles, of radical importance to the science. The writings of Adam Smith have now been some hundred years and more before the world: those of Malthus and Ricardo more than fifty. They have been searched and scrutinised by all manner of men; and if some errors have been detected, those doctrines, which have stood the winnowing of time, may be accepted as established truths. For ourselves, we confess to an old-fashioned liking for those fathers of the faith; whose wisdom we esteem far above that of the reformers of our creed. These, indeed, seem to us to treat their science much as the African savage treats his religion: they discredit every doctrine which they do not like, as the savage whips his gods, when they displease him.

We now pass to Mr. Mill's teaching as to the morals of Unionism. In his second Essay, indeed, Mr. Mill proposes to treat of Unionism, both in its prudential and its moral aspect. But if, as we hope, we have succeeded in showing, that the principle of combination is so radically vicious, that it can bring forth nothing but evil to the labourer, we may be spared the consideration of the prudential limits to its use. The only true wisdom is to eschew it utterly; and there an end.

In entering on a consideration of Mr. Mill's views of the Ethics of Unionism, we stumble over a difficulty on the very threshold. We have nothing in common with that philosopher, as to the root of ethical obligation; nor can we stop in this slight essay, to debate that weighty matter. It is impossible, in every argument, to go back to the beginning of things, and lay anew the foundation of our faiths. In all discussions, something must be assumed; and here we assume the validity —however grounded—of the ordinary notions of right and wrong.

Some guidance, indeed, more or less intuitive, seems to us a necessary condition of all orderly humanity. The many cannot philosophise: yet the many must act, and act rightly; under penalties. Some rule of conduct, then, we may presume, has been provided for them, other than the inductions of an abstruse philosophy. It were a sorry outlook for the uneducated man (and for that matter, for the educated man too) if the ethical determination, on which depend his welfare and his worth, were made to hang upon an intricate calculus of the remote results of his volition, upon the general interests of mankind. A keen observer of human nature has remarked, that the acuteness of the popular intellect in its ethical judgments, is no less remarkable, than its obtuseness in mere theoretical speculation. And it is well it should be so; for man may be virtuous and even wise, with very hazy notions of chemistry and astronomy; but he cannot exist as a civilised being, without some clear knowledge of his duties.

Practically, we believe, we are at one with Mr. Mill. He, too, admits the principle of Duty; though by what sleight of hand we do not speak it offensively) he shuffles that idea into his system, we never yet could comprehend. He seems to us—as was said of another and very different philosopher—"to thrust virtue out at the front door, to lead her in again by the back door." But be this as it may, he recognises, with us, the obligation resting upon all men, to deal justly by their fellow-men, and to respect freedom in others, as they would have their own freedom respected.

Let us now ask, How does Mr. Mill expound to the Unionist, the obligation to act justly to all men? And, first, as to his duty to his employers. The lesson taught by Mr. Mill is this: "As between themselves [the Unionists] and their employers, they are under no obligations but those of prudence. The employers are quite capable of taking care of themselves." That is—as we understand the lesson—in making his bargain with his employer, and in keeping it, the Unionist has only to look to himself: self-interest is his sole rule of conduct. He may use coercion, to raise his wages;—only taking care not to "kill the goose to get at the eggs;"—which would be imprudent. Or, he may conspire with his co-unionists to obstruct his employer's business; stopping short, however, of his actual "ruin," which might be inconvenient—to himself. In all this, no moral qualm need disturb him. Is not his employer "quite capable of taking care of himself?"

This is a view of things that nowise surprised us, coming from Mr. Conolly, member of the Stonemasons' Union. That ingenuous gentleman thus described the policy of his Union to the late Commission: "The rules are made for men, not for masters; we do not take masters into the account at all in the arrangement of the matter." We do not wonder at

it. But we confess, it did startle us, to hear a similar sentiment from so distinguished a moral philosopher as Mr. Mill. It is new doctrine to us, that there are no duties towards the strong;—that no wrong can be done to one able to take care of himself;—that the small boy, for instance, is under "no obligation but that of prudence" (in his case, to keep clear of the policeman), to refrain from appropriating the big man's pocket-handkerchief.

But is it even the fact, that the employer is, of necessity, stronger than the workman? Have we not here, again, the dreary old fallacy, that estimates the relative power of the contending classes, by the relative strength of their individual members? The strength of the capitalist, as opposed to the labourer, lies, not in the amount of his own capital, but in the numbers of the labouring population, and the consequent force of their competition for employment.

That competition is the check, which nature provides against the possible rapacity of the labouring class. It is, therefore, of essential value to the employers of labour; and forcibly to interfere with its operation, is to do a grievous wrong to the employing class. Yet such interference is the end of all combination; and unless it can be made effectual, the Unionist's policy collapses. Mr. Mill himself admits, that the "restrictive rules, forbidding the employment of non-unionists, limiting the number of apprentices, etc., which many Unions maintain . . . are sometimes indispensable to the complete efficacy of Unionism. For . . . there is no keeping up wages, without limiting the number of competitors for employment." And that limitation—mark it well—can be only effected by coercion.

Here, then, it seems to us, might have been a fit occasion for a homily on Unionist morality. The ethical instructor might have dwelt on the injustice of the Unionist, in overbearing the freedom of his fellow-labourer, in order, thereby,

to do a wrong to his employer. This, we take it, is the common-sense view, which would occur to honest men, who had not entangled themselves in the intricacies of ethical metaphysics; and such, we avow, is the lesson we should have felt constrained to teach, if haply we had been called upon, to offer guidance to our labouring fellow-men. We should have felt, that we were thus giving them more faithful counsel, than by preaching to them a dispensation from all obligation—save that of prudence—towards their employers.

Hitherto we have spoken of the labourer's duty to bargain fairly with his employer; now we come to his duty of faithful service. Having made his bargain, he is bound honestly to fulfil it. The contract is a simple one; on the one part, the employer binds himself to furnish certain subsistence (or wages) to the labourer; on the other, the labourer binds himself to perform certain services (or work) for his employer. Never was a mutual obligation more imperative. Never were contracting parties more clearly bound in law and honour, to perform truly the stipulated terms of their bargain.

This obligation the British workman, left to himself, did not neglect. On the contrary, no worker more conscientiously did his duty: he put his whole soul into his work; scorned eye-service; and laboured with all his might for the joint behoof of his master and himself. Together, they built up the noble fabric of British industry. But the blight of Unionism fell upon the land; and all was changed. The Unionist seized instinctively on the principle, which his philosophical apologist has excogitated *d priori*, that the labourer owes no moral obligation to his employer. On that foundation he built up his system.

Acting on that principle, the Unionist not only neglects

to further his employer's interests; he conspires to inflict upon him positive injury. His system is expressly devised, to thwart the purposes of his employer, by lessening the amount, and increasing the cost, of his production. To this end, the rules of his confederacy limit, directly, the quantity of work done; while, by stifling emulation, they indirectly deteriorate its quality. With the perverse ingenuity of selfishness, the Unionist lames the cunning of his own right hand, that more right hands may be required. On this point, we may call on Mr. Mill himself to testify: "Some of the Unionist regulations . . . are contrived for the express purpose of making work inefficient: they positively prohibit the workman from working hard and well, in order that it may be necessary to employ a greater number."* From the Irish hodman, who dares not carry more than eight bricks in his hod, to the Amalgamated Engineers, who prohibit an unskilled workman from tending an automaton machine, the one principle prevails: the interest of the employer is systematically sacrificed to the fancied interest of the Union.

Nor is this all; or the worst. Worse than any money loss inflicted by the Unions, is their intolerable meddling with the daily conduct of a business. When his mind is full of the cares of business, it is maddening to an employer, to have his thoughts distracted, and his plans deranged, by the unauthorised intrusion of a hostile junto. The report of the late Trades Unions Commission teems with evidence to this effect. An eminent builder assures the Commissioners, that: "he is so disgusted with the system, he should be glad to leave the business altogether." A yet more eminent engineer testifies still more strongly to his disgust. He had carried out his purpose, and abandoned his trade, "ten or twelve years sooner than he would have left it," rather than submit to the in-

* *Fortnightly Review*, June 1869, p. 698.

tolerable plague. The higher the character of an employer, the more he revolts from such coercion. To a high-minded man, the loss he suffers is as nothing, compared with the indignity of Unionist intrusion.

Now the Unionist workman, holding—with Mr. Mill—that he owes no duty to his employer, scruples not to join his Union in the sport of master-baiting. Though bound to serve his master truly, he makes himself the tool of a confederacy organised to thwart him; and, while pocketing his employer's wages, he takes his orders from his employer's persecutors. Putting aside all thought of faithful service, the Unionist's study is how best to fasten on his master's neck the galling yoke of an oppressive Unionism.

In a word:—The labourer owes two duties to his employer: one, fairness in making his bargain; the other, faithfulness in his service. The Unionist fulfils neither: and Mr. Mill pats him on the back, and tells him he has no duties to perform. Is that the way to raise the character of the labouring class?

So much for the labourer's duty to his employer: now as to his duty to his fellow-labourer. Here Mr. Mill admits, in words at least, the force of obligation. As against his fellow-workman, the Unionist is not, as in the case of his employer, set above all obligation. "Unionists," says Mr. Mill, "owe moral duties to the remainder of the labouring class."* That restriction of non-unionist competition, so "indispensable to the complete efficacy of Unionism," he admits, "inflicts distinct evil upon those whom it excludes—upon the great mass of the labouring population, which is outside the Unions."† How then, he asks, "is a system, which thus operates, to be reconciled either with the obligations of general morality, or with the special regard professed by labouring men for the interest of the labouring class?" Truly, a most pertinent

* *Fortnightly Review*, June 1869, p. 695. † *Ibid.* ‡ *Ibid.*

question, without due answer to which, "Unionists," in the words of their apologist, "make themselves into an oligarchy of manual labourers, indirectly supported by a tax on the democracy." *

"Two considerations" occur to Mr Mill, either of them sufficient to justify this oppression, in the eyes of "an upright and public spirited working man." † The first is, when the Unionist looks upon his own Union, "as a mere step towards an universal union." The Unionist, it should seem, is fully justified, in inflicting "distinct evil on the great mass of the labouring population," of his own time and country, if only he indulges in the hope, that the system which he now practises in the bud, may one day branch out into cosmopolitan Unionism. If such a prospect is "not beyond his aspirations," the coercion, in the meantime, of his non-unionist brethren is all right.

No doubt, the outlook is of the remotest: the time postulated is all but infinite. Less, certes, than a geological era would not suffice, to weld into "one brotherhood," the "universal labour" of the world; meanwhile, the Unionist would have it all his own way. During all this era, his patent of oppression would run on; and his non-unionist brother would be delivered, bound hand and foot, into his hands. But is not such an era of unchecked oppression too high a price to pay, even for the blessings of "universal Unionism?"

Nor is our experience of International Congresses so encouraging, that we would hasten to give up our old-fashioned notions of right and wrong, for the higher aspirations of cosmopolitan Unionism. Looking to the latest exhibitions of international Unionism, we feel no pressing desire to hurry on the coming of the good time, when the ordering of the world's industry shall pass into the hands of cosmopolitan sages, of

* *Fortnightly Review*, June 1869, p. 696. † *Ibid.*

whose fitness for rule we had a faint foreshadowing, in the virtue and wisdom of the International Congress lately held at Bâle.

Should the cosmopolitan project, however, prove beyond the aspirations of the average British workman, Mr. Mill has another "consideration" in store for him. This is his "Malthusian point of view," by virtue of which Mr. Mill still hopes, that "the apparent injustice of Unionism to the non-unionist classes of labourers may be morally vindicated to the conscience of an intelligent Unionist."* The reasoning which Mr. Mill suggests to his intelligent Unionist, as a valid apology for wronging the great body of his fellow-workmen, would, as we understand it, run somewhat after this fashion: "These wretched knobstick brethren of mine have no fear of Malthus before their eyes. Do what I may, they will people on and on, till they land themselves in starvation: what harm, then, can I do them, by keeping them at starvation point? I cannot make them worse off, than they are sure to make themselves: and so I do them no wrong, in taking what would do them no good. Is it reasonable that I, the aristocrat of labour, should stint myself of luxuries, to put more bread into the mouths of wretched creatures, who never heard of Malthus in their lives?"

In all this the Unionist assumes his own superior power of self-restraint. But is it then so certain that the Unionist is entitled to cast the first stone at his too prolific brother? Is he himself free from sin against Malthus? Is not he too, alas, "active in o dding to the pepulation?"† If so, we do not see how Mr. Mill's "practical justification" can satisfy a tender "conscience;" nor why the Unionist, though never so "intelligent, should exalt himself, by damning sins he is himself too much inclined to. The well-paid British artisan

* *Fortnightly Review*, June 1869, p. 697.

† *Ibid.*

is not a man of self-restraint. He may drink more beer; smoke more tobacco; keep more blue-Mondays than his non-unionist mate; but he has not fewer children, or a larger balance in the savings-bank. Were he inclined to thrift, he soon might be himself a capitalist, without robbing the cupboard of his poorer brother.

But were the Unionist never so superior, that would not justify the oppression of his fellows. After all, the knobstick is not an outlaw, to be cut off from personal freedom and the protection of the law. He has his rights like his betters; and though too often treated like the leper of old, his chief offence is, after all, his poverty. But any stick will do to beat a dog; and the poor knobstick is the dog with a pan at his tail, which every passer-by must fling a stone at.

Truly, the *juste milieu* is hard to hit, which, it should seem, alone can justly claim protection for its rights. The capitalist is above the mark; the non-unionist is below it. The one is too great to need protection: the other is too vile to deserve it. So it ever is: the oppressor never lacks a reason for oppression. Whether the lamb troubles the stream above him or below him, the wolf is equally offended.

Unionism is opposed to individual freedom. In the labour-market Providence establishes a natural organisation; but Unionism puts an artificial organisation in its stead; and, whereas the natural organisation rests on human freedom, the artificial organisation is built upon coercion. Force, open or latent, actual or potential, lies at the root of all practical Unionism. Without this evil principle in reserve, the very idea of combination is inept. Unionism, without force, is a lever without a fulcrum.

There is but one principle which can guide men aright in the world of industry, as in every other; that is the principle of justice. When justice rules, an universal law secures the liberty of each individual will. A Divine order harmonises

all things. For liberty is not opposed to law, nor law to liberty: rather, these are the two poles of the one principle of justice. But such abstractions need not disturb the honest labouring man, anxious to do his duty. Enough for him to do as conscience bids him; her lessons are easily learned; her law is stamped on every honest heart.

In fine, we fear the lessons taught in these Essays by Mr. Mill, if laid to heart by labouring men, will advance neither their welfare nor their worth. The economic doctrine removes a doubt as to the efficacy of Unionism; the ethical teaching removes a scruple as to its rightfulness. Between them, they give free scope to reckless combination. This, we take it, is not the lesson which sober wisdom would impress on labouring men. It is not by filching from his employer, or by wronging his fellow-workman, that the Unionist can raise his character, or mend his fortunes. If he would, at once, ennoble and enrich himself, he must practise the virtues incumbent on his order; industry on the one hand, thrift upon the other. Without those efforts of his own free will, no power of outward organisation can better his condition.

So thought Mr. Mill, when he wrote thus: "No remedies for low wages have the smallest chance of being efficacious, which do not operate through the minds and habits of the people."* This is wholesome doctrine; and it is sad, that Mr. Mill should now trust less to spiritual influences, and more to the brute force of a material organisation.

If now we ask again, how comes it, that this great philosopher teaches the people such misleading doctrine? we find —as aforesaid—no cause for it, but that his feelings have bewrayed his reason. But this apology, though valid for a lesser man, will not stand good for one so gifted. Responsibility, in a thinker, is measured by his authority, and Mr.

* Mill, *Political Economy*, book ii. chap. xii. § 4.

Mill's authority is world-wide. Wherever the English tongue is spoken, his thoughts pass current; and therefore he is ound to have a care, that only precious truth shall bear the stamp of his authority. It is a noble function, to teach a world; but it carries with it solemn obligations. The teacher must guard his mind, with jealous care, from every wayward impulse; and see to it that no shade of passion shall dim the pure light of intellect. Mr. Mill's is a godlike power; and it behoves him to wield it with godlike serenity.

Nor are we, whose part it is to listen reverently to the teacher, without responsibility. We, too, are bound to care anxiously for truth; to take on trust no statement, that we cannot vindicate to intellect and conscience. More especially, in these days of revolutionary thought, when the landmarks of ancient wisdom have been removed, and false teachers abound on every hand, it is more than ever needful to consider well the grounds of our beliefs; each man thinking boldly for himself, and not yielding lightly to the authority of names. Above all, there is an urgent need for those, who have sat at the feet of some revered master, to weigh well the reasons for the faiths they have imbibed. Let them, above all other men, beware of taking thought at second hand; guarding themselves diligently against the sin that most easily besets the ardent disciple,—*jurare in verba magistri.*

J. S.

ELECTION TRIALS

AND

INQUIRIES UNDER THE CORRUPT PRACTICES' ACTS.

On the 31st January 1703-4 an English House of Commons adopted a series of resolutions* which still continue to be the Standing Orders of the House of Commons of Great Britain and Ireland, albeit their actual operation must now be supposed, as will be presently seen, to be in suspense during the three years which commenced on the 31st July 1868, and from the end of that term until the prorogation of Parliament, if Parliament shall be then in session.

By those Standing Orders, it is asserted to be the "sole" right of that one branch of the Legislature, excluding all other authority, "to examine and determine all matters relating to Right of Election" . . . or "to the Qualification of any Elector:"—insomuch that to bring any matter of that kind *ad aliud examen*, although it be to a judicial inquiry before a jury, or court of law having jurisdiction at common law over the same, is "a high breach of the privileges of the House," as interpreted by itself, and punishable, according to its own displeasure, with fine and imprisonment, in the person not only of the suitor himself, but also—so runs the letter of one of the resolutions—of every counsel, attorney, agent, or other person who shall abet him by giving aid or advice, and of every judge who shall presume to entertain his suit.

* 14 Commons' Journals, f. 308 *a*.

The House of Lords refused to recognise those resolutions at the time of their adoption, and even condemned them by Counter Resolutions, as well as by Address to the Crown, as being in violation of the law.* To this hour, neither the House of Lords nor any court inferior to that high court, has acknowledged their validity. Yet they have been repeatedly enforced by the imperious will and the strong arm of the Lower House of Parliament;† and, in every instance, there has been, what Lord Camden, C. J., emphatically stigmatised, in the analogous case of the general warrants, "a submission of the weak to power, and to the terror of punishment." In the language of the same great patriot and jurist, we may well conclude that no argument in favour of their validity can be drawn, under such a reign of terror, from "the general submission,—no action brought to try the right,—and the silence of the courts. It would be strange doctrine to assert that to be universal law which a few had been afraid to dispute. . . . As no objection was taken upon the Returns, and the matter had passed *sub silentio*, the precedents are of no weight."‡

There are people who think that it is a sufficient answer to whatsoever violation of positive law or natural right may be alleged, to say that "it has worked well." But even that stupid fallacy cannot be surmised in the present case. This usurpation has not worked well. It has worked very badly. The corrupt, and those who tempted them, have had it all their own way. The way to the courts of justice being obstructed from without, and the complainants being reduced to

* 17 Lords' Journals, ff. 527 *a*, 676 *b*, 677 *b*, 680 *a*, 693 *b*, 694 *b*, 680 *a*, 698 *b*.

† Ashby *v.* White. 1 Smith's *Leading Cases*, 227 (6th edition). And see *Bewdley*, 8th February 1708. 16 Commons' Journals, f. 97 *b*.—*Minehead* 13th June 1717. 18 Commons' Journals, f. 592.—*The same*, 8th January 1721. 19 Commons' Journals, ff. 704-5.—*The same*, *Ib.* 23d January 1721. *Idem*, f. 726.—*Wareham*, 19th January 1747. 25 Commons' Journals, f. 480, *cum aliis*.

‡ Entick *v.* Carrington. 19 *How. St. Tr.* 1067-74.

the alternative of no hearing at all, or of such a hearing as the fellows of the accused vouchsafed to give them, the consequences might have been—and doubtless were—foreseen almost as clearly as they are now seen in the retrospect. Throughout the last century, "the enormous and mischievous expenditure"* at elections to Parliament,—the growth and spread of corruption and debauchery at elections,—the organisation of "canvassers,"† paid and unpaid,—of bribers, and of treaters, in every constituency,—the familiarity with the crime of perjury, which the necessity of concealment engendered,—and the general degradation of all morality, public and private, to which the licentiousness of manners in the particular matter of the parliamentary franchise so easily and naturally led,—were the themes of incessant and indignant denunciation, to which the scandalous impunity accorded by the majority of the hour within the House, to the excesses of their own members, and their party out of doors, was the only response upon the part of the self-constituted tribunal, which claimed the sole authority "to examine and determine all matters relating to Right of Election," within the realm. In the presence of "the gross and repeated contrarieties in decision," as Lord Glenbervie, in his learned Reports of Election Petition Cases, published in 1802, did not hesitate to style the "determinations of the House and its committees,‡

* See Heywood *On Elections in Burghs and Counties*, passim.

† Canvassing before the day of poll was, until late in the reign of George the First, a novelty. It was introduced by "the monied interest," if we may believe the political ballads of the time, and condemned as such, in terms as hearty as those with which the patriots of ancient Rome were wont to denounce that analogous novelty, the "Candidatus."

‡ 4 Dougl. El. C. 79. Another learned writer, Mr Serjeant Heywood, in 1797, boldly ascribed those "contrarieties" to the "ignorance, caprice, and corruption," of the Members of the House, to their "subservience to their own interests," to their inordinate anxiety "to seize the temper of the House," etc. etc. etc.—(*Law of Elections in Burghs;* Advert. p. v. and pp. 199, 205, 206, 421. The late Mr O'Connell having been censured in his place for

even an enlightened public opinion, had such existed, would have been powerless to stem the tide of the ever-growing inundation. What could be done by the more zealous well-wishers to their country—and their number, never very great, was every day growing less—was done. The Bribery Acts gave power to Qui Tam Informers to sue for, and to the law courts to impose, penalties upon bribers and bribed at elections, and, as this was all—as the right of bribers or bribed to vote, even after conviction, was not intermeddled with either by informer or by judge,—the House of Commons did not "resolve" it "a breach of privilege." But even the successes of those prosecutions—and they were often successful in their immediate object, the conviction of the mean offenders—became only so many signal proofs of their inefficacy as deterring examples to countervail the bad influence of that standing precedent of the contrary kind, the shelter given to the principal offenders within the walls of Saint Stephen's. A lively writer in a London monthly periodical for the present month of January, has disinterred from the files of newspapers for 1769 a number of records of convictions for bribery and intimidation obtained in the King's Bench, at the Old Bailey, and upon the Spring and Summer Circuits throughout England for that year—just a century back. We read of death-sentences on rioters for lives taken at the Brentford poll—of fines, from £100 to £1000—and imprisonments from three to six months per head—for less sanguinary outrages at Preston; and of penalties, varying from £1000 to £1500 and £3000, obtained at a single Cornish assize town in the Summer Circuit, in "no less than seven causes under the Bribery Act," for offences all committed at "the last election for the

"words" used at public meetings, by which "perjury" was expressly charged upon the Election Committees then in use, the late Mr Charles Buller, of witty memory, rose, and, with general and hilarious acceptance, suggested that "at all events their determinations were often open to the imputation of *enormous swearing!*"

borough of ————."* The zeal was thrown away, for the Commons House forbade the logical deduction, and brute force was with the House. The nameless and sinful borough, and its "patrons," had no disfranchisement to fear. That was a method which "Parliament-men" have never loved to look upon, for it may nearly always be retaliated upon them who use it. It was not until the present reign—and late in the reign—that the House of Commons was driven, by indignant clamour of the people, to acknowledge the duty of disfranchising in every proved case of prevailing corrupt practices; and the reluctance of the recognition is proved by the facility with which the application of the precedents established at Sudbury in 1844, and St. Albans in 1852, was evaded in the hardly less shameful instances of Canterbury, Barnstaple, Cambridge, and Hull in 1853; Galway in 1857; Berwick-upon-Tweed, Wakefield, and Gloucester in 1859; and Bridgwater in 1866.† If Totnes, Great Yarmouth, Lancaster, and Reigate, four other boroughs which were reported also by Royal Commissions of Inquiry of the same year as guilty of

* "'Tis a hundred years since;"—*Tinsley's Magazine*, January 1870, p. 629.

† The cases of Canterbury (1853) and Bridgwater (1866) deserve to be specially mentioned. It was admitted that the Canterbury report had made out a strong case for total disfranchisement. But the bribers and bribed, in their petitions to the House, represented that if they had understood that such would have been the consequence of their disclosures, these disclosures would have been suppressed. By Lord John Russell's advice, the House accepted the appeal, and spared Canterbury. Bridgwater, from the days of its "patron," Bubb Doddington (see his Diary, *passim*) to the end of the reign of George III. (see Oldfield's *Representative History*, vol. iv. pp. 445-6), was noted amongst the corruptest of boroughs, and it seems not to have ever retrieved its reputation from that time down to the election of 1865, whereat—so runs the special report of the Election Committee—corrupt practices had extensively "prevailed." Yet the motion for the statutory address to the Crown for a commission was refused by a large majority. It is painful to think that the immediate consequence of that open breach of a very plain public duty was the issue of the Parliamentary writ, to which the election of the late Lord Justice-Clerk was the return, with all its deplorable results.

habitual and wholesale corruption, were disfranchised in 1867, that tardy measure was due to the necessities of the position of the Ministry of the day, struggling hard to balance itself against the majority within Parliament, with the weight of the democracy out of doors; and the example lost all its point, because of the manner of making it. The Act which disfranchised those four places, on the ground that "corrupt practices had extensively prevailed" at the last and previous elections for the same, was Mr. Disraeli's English Reform Act of 1867. But the same Act disfranchised, to the extent of one member apiece, thirty-eight other boroughs not accused of impurity, and simply because "they had a less population than ten thousand at the census of 1861;" and again, by his Scots Reform Act of the next session, from three boroughs of that number, even the solitary member left by the English Act was taken away; and again upon "the principle of population," and not for their reported or supposed corruptness.* In other words, the same fate which befell Totnes, Great Yarmouth, Lancaster, and Reigate, in 1867, guilty, it was said, above all the boroughs of England, was also ruthlessly applied by the same Parliament to the seven boroughs, all unconvicted, and whose innocence we of course must assume—of Arundel, Ashburton, Dartmouth, Honiton, Lyme Regis, Thetford, and Wells, not to speak of those thirty-five other boroughs which, equally entitled to the presumption of being blameless, had been deprived by the preceding enactment in the same series of one-half of their members. It is hard to make out the penalty, in any one of those instances, of a proceeding which in more than six instances out of seven was avowedly not meant to be at all in the nature of punishment.

* See the 30 and 31 Vict. c. 102, ss. 17, 60, and the 31 and 32 Vict. c. 48, s. 43. It is fair to add, although very difficult to reconcile the contradiction, that the authors of those measures, to the last, continued to decry, in both Houses, not only "the principle of population," but also that of "disfranchisement."

The situation, nevertheless, is one of hopefulness, such as has not been known in England since the fatal day when those factious resolutions of the 31st January 1704 (N.S.) were received among the Standing Orders of the Commons House of Parliament, thereby constituting that branch of Parliament in a state of normal conflict with the law. It is not that the ordinary "Parliament-men" in the reign of Queen Victoria—and of such the number is Legion—are one whit better than their predecessors have approved themselves from the days of Queen Anne downwards; and it is probable that the breed has even deteriorated. But there is at length a movement amongst the Commons out of Parliament: an indignant, an impatient, and even a strengthening one, which it behoves them to obey who look to popularity as the way—perhaps, in regard of the subject of my paper, I should have said one of the ways—to re-election. To speculate now upon the course which legislation on this subject may take in the approaching session would be idle, even if warranted by the occasion. But it is certain that, if the heart and hands of Mr. Gladstone are strengthened to undertake the task in a manner worthy of himself and adequate to the emergency, to those Commons out of Parliament he will have owed it. Against the awakening of the country from its long sleep of subservience, the "practical men," the "men of the world," the "respectable men," and so forth, who are supposed to represent its wishes and dislikes, no less than its interests, will hardly dare to persist in the old policy of inaction. Reaction against it must surely be deemed hopeless, even by themselves. Every endeavour of late to obtain, from the organs of what is sometimes called "public opinion," even their neutrality in the approaching struggle, has failed. Every succeeding incident during the last few years of the controversy has been fruitful in good omen, and not barren of good result too, for the purity of future constituencies and future parliaments.

It was high time, indeed, for some improvement to show itself. The country had been rapidly inuring itself to believe that its representatives were not in earnest, not honest in their professions of a wish to put bribery down. It was whispered that their talk amongst themselves in the lobby about bribery was not at all so hostile as their talk on the floor; and that their talk on the floor was always, or for the most part, understood to be not quite serious—was no mere whisper, but a thing familiar to every man having ears to hear, overnight, or eyes to read, on the morrow, the "great laughter" colophons of that honourable but too cynical House. It was this which gave point and meaning to the otherwise incomprehensible impunity of scores of constituencies quite as deserving to be summarily, and upon mere repute, disfranchised as were, in 1832, those fifty-six which figured in Schedule A of Lord John Russell's English Reform Act, and merely upon repute were at one fell swoop extinguished.* It was this which made men view with indifference or scorn those few penal measures—mostly of a partial, or at least of no thorough character,†—which, after long intervals of disregarded remonstrances from without, were, from time to time, like "tubs to the whale," tossed by their reluctant chiefs upon the waters of party strife, without too much anxiety for the fate of the venture. It was this, above all, which exasperated into

* Thirty more were deprived of one member each by Schedule B to the same Act—2 & 3 Will. IV. c. 45.

† The New Shoreham Act, passed in 1771, disfranchised by name upwards of eighty persons for their lives, and for all constituencies within the realm. I know of no other Act on the same model. That rare instance of avenging justice in the unreformed time was followed in several cases since the Reform Act of 1832, yet not faithfully. The disfranchisement of freemen of the city of Dublin, now in progress, is not without recent example. A similar measure for Great Yarmouth in 1849-50, amongst others, deserves to be specified, because in the history of every subsequent election for that now abolished borough we may read the inadequacy of partial measures of that kind to the remedy of the mischief.

the passion now devouring the better part of the community, and spreading far and wide with a contagion which it has become quite fashionable to appear to catch, the old placid conviction of a small but philosophic school of thinkers, whose rise I remember, who supported the historian of Antient Greece, when, in his place as member for the City of London, in the first session of Lord John Russell's first Reformed Parliament, Mr. Grote moved that all future elections should be taken by way of ballot;—and whom, then and ever afterwards, down to the late change of fashions, it was the foolish fashion of men, of all parties for the most part, not to reason with but to deride.

To that improved sense of the public out of doors, we owe the important parliamentary inquiry of last session into the mode of taking elections; and we shall owe to it the great remedy to which the anticipations of all the active members of Lord Hartington's Committee, whatever their prepossessions were against secret voting, clearly point. To it we owe the Act passed by the last Parliament only a few days before its dissolution,* by which, despite all its imperfections and vices, a great advance was gained to the long-hopeless object of every sound and enlightened patriot's desire—the overthrow of the illegal and mischievous hindrances wherewith the Commons of Parliament had, for more than a century and a half, baulked the jurisdiction of common and statute law over their elections and returns, and their doings in respect thereof, and thus secured themselves in the enjoyment of an impunity against the law, and at the sacrifice of the public morality and welfare. It is true that at present its operation has been little more than tentative, and that but three years—("and from thence to the then next session of Parliament)"†—

* "The Parliamentary Elections Act, 1868," 31 and 32 Vict., c. 125 (31st July 1868).

† *Ib.* sec. 59 (31st July 1868).

and that it was only because of its being so limited in duration, that at least one member—and he a gentleman of the long robe, and a Liberal—was induced to forego his notice of motion for the reading of the "Resolutions" of the 31st January 1704 (N. S.), and taking the sense of the House upon them; and it is, therefore, very probable that some such effort to retain the usurped privilege will be renewed in 1871, when the measure itself will come on for revision and continuance. But amongst the results of the experiment—and some of them are not favourable—the best and most important are, next to the great fact of the restoration of the reign of law itself, the comparative uniformity both of procedure and decision, the comparative impartiality of the tribunal, the comparative expedition and cheapness of procedure, and the comparative strength of its popularity with the great body of the citizens, and its influence over their minds. It is nearly impossible to deprive them again of it—now that they have handled and proved it—and to go back to the wicked past.

Another sign of the times, and a hopeful one, and even—if the homely saying of the straw which shows the quarter of the wind be true—a very hopeful one—is the earnestness which suddenly and so generally displayed itself at the beginning of the late inquiries before the Royal Commissions at Beverley, Bridgwater, Cashel, Dublin, Norwich, and Sligo. No such interest was evinced before in inquiries of that kind; and yet there was nothing specially important in these so as to constitute a title to the distinction. The truth is, that the conscience of the nation is awakened, not only to the enormity of the mischief, but to the use of existing remedies, and the desirableness of improving these to the uttermost.

I wish that I could believe that the very sensible increase (1) in the number of petitions presented against returns to the present Parliament for corrupt practices; and (2) in the

proportion of petitions annually tried, when compared with the like statistics of former Parliaments, is to be explained in the same manner. But there is no doubt that the cause is elsewhere. It consists in the ignoble ambition of the ever increasing stock of upstarts whose vulgar vanity, or that of their more vulgar wives and progeny, persuades them that the way to the Temple of Honour is through the new Houses of Parliament. But as that breed increases, so also must increase the number of contested elections, of corruptly-conducted contests, of petitions, of cross-petitions, of trials, and—*da capo*—of elections over again. "Crescit,"—as Lord Coke is fond of saying upon all sorts of occasions—"Crescit in orbe dolus."

Of the fact of the increase of this kind of litigation there can be no doubt at all. It was thought to have reached its height in the last pre-Reformation Parliament, chosen at the general election of 1865. If, therefore, we compare the numbers and results of the election petitions presented against returns at that general election, on the ground of corrupt practices, with the corresponding statistics of the general election of 1868, and the meeting of the present or first post-Reformation Parliament, it will be superfluous to travel farther back. There will also be a certain appositeness about the comparison of the two periods, in respect of the tribunals themselves—the "Election Committees"—namely, of the old system, and the "Election Judges' Courts" of the new.

The sum total of all the election petitions presented upon the assembling of the House elected in 1865 was sixty-four. Of these, forty-nine (if we include petitions with precisely the same prayer and from the same places with others already presented), or forty-five (if we exclude all such duplicates—so to style them), alleged bribery and corruption as their grounds. It should be added that of the gross amount of petitions of that

kind—namely, the forty-nine—forty-three were from England and Wales, and six from Ireland. And there were two additional petitions, both of which were presented later in the same session, and again for bribery and corruption, against fresh returns for two English boroughs, for which the returns at the general election had been avoided for the same offences, making in all, for England and Wales, forty-five election petitions so grounded. Six more came from Ireland, charging the like practices there at the general election, making in all fifty-one from those two countries. From Scotland there was not one.

Moreover, for corrupt practices, other than actual bribery, there were two election petitions from England and one from Ireland. From Scotland again, no election petition charging any such practices—as the word "corrupt" is usually and properly understood—was presented. But it is fair to add that in the solitary Scots election petition (Dumbartonshire) personation of voters seems to have been hinted at, as one of the grounds on which the return was impeached, and that the seat was not defended.

The general result therefore for the session of 1866 was a total of fifty-four English, Welsh, and Irish election petitions, "sounding" in bribery, treating, intimidation, and undue influence. Only twenty-three, however, were brought to trial, that is to say, twenty-one English and two Irish petitions, and at least one of these (Bridgnorth) was determined upon other grounds—that of the alleged corrupt practices of the place not being pressed by the successful petitioner. In the remaining twenty-two cases the results were shortly these:—In each of two English boroughs having two members (Bridgwater and Totnes), one was seated and his colleague unseated, and the corrupt practices prevailing at the election were made the subject of a special report. In each of eight other English boroughs, the members were unseated:—but, in two of those cases, there was

no special report. In four more of the English, and one of the Irish constituencies, the members were seated, and without a special report. In each of the remaining instances—viz. five English and one Irish, the Committee made a special report, but seated the members.

The special reports were not very fruitful of good. As already mentioned, only four Commissions of Inquiry, and no more, went forth in respect of as many constituencies, by no means worse than some which were passed over; and one, much worse than the borough of Bridgwater, had the compliment of a large majority of the honourable House in favour of the immediate issuing of the Writ, *non obstante* the special report. A singular illustration of the unsatisfactory state of the law of electoral corruption was furnished in the cases of two out of the four boroughs as to which the Commissions of Inquiry went forth. The Commons' Committees, in pursuance of whose special reports those commissions were prayed and granted, had "seated" both the members for Great Yarmouth, and one of the two members for Totnes, at the same time that they "reported" the extensive prevalence of corrupt practices at the elections of those fortunate members. The world without was not astonished to learn from the subsequent reports of the Royal Commissions which went down to those places, and likewise the newspaper reports of the parliamentary debates which ensued, that not only the "seated" ought in justice to have been "unseated," but that at least one of them, Mr. Seymour, M.P. for Totnes, frankly confessed himself guilty of having become a principal in the corrupting of his own constituents by making good to his agents after the election the monies distributed in bribes. He thought himself, he said, bound as a gentleman to do so, much as he disapproved of the way in which that money had been laid out. It is the false honour of our times which sanctions such connivance. According to the local newspapers, Mr. Bagehot has

admitted that he was guilty of it in 1866 at Bridgwater, and Mr. Kinglake confessed himself to be still contemplating the doing of the same thing at the same place in 1869, and even in the last days of the Bridgwater Commission.

In point of corruption the general election of 1865 is reputed to have been the worst—in point of date it was the last—of the general elections between the periods of the two Reform Acts—Lord John Russell's Act of 1832, and Mr. Disraeli's Act of 1867. The next general election—that of December 1868—took place under the second of those acts, and was the work of the new constituencies, to which that "leap in the dark" had given birth. If we compare the statistics of the two general elections, we must confess that the doings of 1868 have thrown those of 1865 completely into the shade. It is true that we ought not to conclude that the disease is therefore incurable. For reasons into which it were out of place here to enter, that would be a rash conclusion. Before we pronounce against the possibility of a cure, we must be quite certain that we have exhausted all available ways and means of remedy. But at least one thing, in the meanwhile, must not be denied or doubted—namely, that, until the effectual remedy be forthcoming, we shall only renew, at each succeeding election, the experiences of every former election, and be compelled to confess, again and again as we renew them, that our latter state is always worse than its latest antecedent.

When all deductions—in respect of duplicates—are made from the tale of election petitions presented to the various courts of law after the general election of 1868, on the ground of corrupt practices, there still remains, so far as I have been able to ascertain them, the number of 86 such petitions.*

* I exclude from estimation all doubtful cases. Of these I wish to specify seven petitions affecting five constituencies, but withdrawn. To manuscript records, that of the Bridgwater petition alone excepted, I have in no case had access; and, with the practice of presenting the petitions in Parliament, the

Only 1 of these was from Scotland; 17 were from Ireland; the rest—68—were from England and Wales. Some of them, however, being cross-petitions,—this number must not be taken to represent that of the constituencies to which the petitions related, and in which the corrupt practices were alleged by them to have prevailed. I believe its numbers are as follow:—

Counties—	English . . .	3
„	Irish . . .	1
Cities or Boroughs—	English and Welsh .	51
„ „	Scots . . .	1
„ „	Irish . . .	13
Total	. . . .	69

Add to these 69 the 4 election petitions against the fresh returns, later in the year 1869, for Nottingham, Brecknock, Youghal, and Waterford city—all alleging bribery and corruption—and the tale of impeached constituencies is swollen to 73. The true number is very probably much higher. I myself have not found, amongst the 96 election petitions first presented to the courts, more than three which certainly did not allege corrupt practices. But, for reasons stated in the last note, I prefer to err, if at all, on the side of moderation. And, as though to link the depraved inheritance of the past to the conquests of the new time, out of the English boroughs created by Mr. Disraeli's legislation in 1867, two—Staleybridge and the Hartlepools—sent up members whose returns were impeached for corruption; and a third, Wednesbury, returned to the new Parliament the celebrated Mr. Brogden, whose name had been reported by the Royal Commission in 1867, in connection with the corrupt practices for which Parliament

practice of printing them with the "Votes" or in the "Journals" has ceased since the present "Election Trials' Act (1868)" came into force. In fact, they are now not printed at all, by official authority at least.

had found it necessary soon afterwards, in the same year, to disfranchise the borough of Great Yarmouth.

Fifty-five original and cross petitions, including those which did not, as well as those which did, charge bribery or corruption, were brought to trial; one of them, however—that from Dumfriesshire—being finally decided upon a point of privilege by the House itself. That, and two others, were the only petitions brought to trial which were not grounded upon the alleged corruptness of the return. Of the remaining fifty-two there was not one which was not so grounded; and their success was as follows:—twenty-seven English and Welsh returns were sustained, and thirteen avoided. In Scotland the only return questioned upon that ground was sustained. Five Irish returns were sustained, and six avoided;*—and, in one place (Cashel), the petitioner, after convicting the sitting member of bribery, was himself convicted of the same crime, and declared incapable of claiming the seat so forfeited. One untried English election petition was stayed, *in invitum*, by a rule of the Court of Common Pleas, after argument.

The proportion of tried to untried petitions appears to have been about the same as before the recent legislation. Fifty-five election trials—including the cross petitions—are recorded to have taken place; one of which (Dumfriesshire) was before the House of Commons itself upon a matter of privilege. Besides that trial, there were out of the fifty-five only two at which the issue was not whether there had been corrupt practices at the election. The result of the remaining fifty-three trials was in England and Wales to declare valid twenty-seven, and to avoid thirteen of the returns impeached for corrupt practices,—in Scotland to declare valid the only Scots return questioned upon that ground,—and, in Ireland,

* This is exclusive of the Waterford petition (1869). It was set down for trial on the 18th January 1870. It was not determined when these pages went to press, and it is said to have been compromised.

to declare valid five and to avoid six returns,* besides declaring, upon the same ground, the incapacity of one petitioner to obtain the seat vacated by the conviction of (for the time) his successful antagonist. With the exception of one case, where the proceedings were stayed by a rule of the full Court of Common Pleas in England, against the will of the petitioner, all the untried petitions were either withdrawn by consent or lapsed for a point of law.† All the other untried petitions were either "withdrawn by consent," or "lapsed" for default of the statutory recognisance or deposit in respect of future costs. Had all been brought to trial, it is probable—regard being had to the reputations of the respective constituencies—that the proportion of judgments avoiding the returns would have been at least as great as that disclosed upon the face of the statistics already quoted. When an inquiry of that kind is abandoned, it is rarely upon the merits. There is the reluctance to bear the heavy costs; there is the terror of the uncertainties of judge-made law; above all, there is the danger of being too successful, so as to incline the judge not merely to avoid the particular return, but to report that, in his belief, "corrupt practices have extensively prevailed at the election," and thus to pray in aid the disfranchising powers of Parliament.

It has been shown, however, by the examples of Canterbury in 1853, and of Bridgwater in 1866, that when the Lower House of Parliament pleases it can be deaf to that appeal. And now, in 1870, when for the second time in four years the same borough of Bridgwater is, with others, upon the *sellette*, there are symptoms showing themselves of a return of the old disorder. One of those symptoms is the more remarkable because of its novelty. It was never before known

* For the Waterford Petition (1869), see the last note.

† Taunton: No. 8 Commons' Paper (1869): 120 I. p. 409.

that, in "matters of election," members of Parliament claimed and were allowed to appear at the bar as counsel for petitioners or respondents. With what confidence could they be relied upon for an unbiassed vote within doors, who had taken fees on either side without? It was reserved for the present Reformed Parliament in the first fervour of its own reformation, to allow the principle to be violated, and the precedent to be set aside. At the Bridgwater Election Trial, for instance, a gentleman, claiming to be the member for the neighbouring borough of Taunton, Mr. Henry James, Q.C., appeared as counsel for the sitting members, whose return was impeached for bribery. As though to illustrate by a practical example the inconvenience of such a combination of inconsistent functions, it transpired that, when the malpractices were being committed, the attorneys who managed them had agreed upon a slang phraseology, which should leave them at liberty to swear that neither about Bridgwater nor about its candidates had they had any conversation at all; that "Taunton," was accordingly substituted in their speech together for "Bridgwater;" and that, instead of "Mr. Vanderbyl," the name of that very "Mr. Henry James" was employed to denote the former personage! The mortification—if it were one—must have passed away in the course of the year. Seated at last for Taunton he reappeared towards the close of the late Bridgwater Commission of Inquiry, as counsel for one of those attorneys, and prayed a *mandamus* in the Queen's Bench for compelling the Commissioners to grant his client an indemnity which they had denied him in respect of his part in the briberies at the last election. How Mr. James will demean himself when the House takes the Report of the Commission into "consideration," it is difficult to conjecture. The rule is well understood, both at the bar and in Parliament, that,—except in Divorce Bills (an exception now obsolete),—no member can take a retainer as counsel in any matter, of which the "consideration," either in first or in last

resort, belongs to the House; and such is eminently the case with election trial reports or resolutions. Happily not every gentleman of the long robe in Parliament is open to these remarks. Sir R. P. Collier, A.G., Sir J. D. Coleridge, S.G., Mr. Montague Chambers, Q.C., and others, are known to have declined all such retainers on the express ground that they felt them to be incompatible with their parliamentary functions. It is also understood that both Mr. Serjeant Ballantine and Mr. Serjeant Parry, for the same reason, have declined to become candidates for seats in this Parliament.

There are those who still cherish the delusion that a new constituency is more likely than an old one to be pure, or that there is less chance for corruption with a large than with a narrow basis of suffrage. There are those who cherish delusions of precisely the reverse kinds. Such persons will do well to ponder over the comparative statistics of election petitions against the returns at the last two general elections, in connection more especially with those of the registers and poll-books relating to the same. The returns of voters obtained at the end of last session by Lord Enfield for counties, and by Mr. Hibbert for cities and boroughs, are not complete in themselves; and, moreover, they exclude altogether those of Scotch and Irish constituencies—a deficiency not yet supplied. But, even thus, they* show, when compared with those of 1865, that the English and Welsh constituencies, at the general election of 1868, were the double of what they had been at the last preceding one. The principal increase has been in the cities and boroughs, to which alone the household and lodger qualifications were accorded by Mr. Disraeli's Act. According to a return,† obtained by Earl Russell in 1867, the number of electors on

* Commons' Papers (1869), 418, 419. From Brecon, Carnarvon, Dudley, and Haverford West, there are "no returns to the order."

† Lords' Papers;—Ordered to be printed the 26th March 1867.

all the city and borough registers in 1865-6 was 489,071. According to Mr. Hibbert's return, the number in 1868-9 was 1,203,170, for so many of the cities and boroughs as had made returns. Lord Enfield's return shows the number of new county voters qualified in 1868 in respect of the twelve-pounds' franchise to have been 202,676; whilst the "others" —by which, I suppose, the voters of every qualified class are intended—amounted in all to 589,240 in the same year; making, with the twelve-pound voters, a county constituency of 791,916 for England and Wales. Of these county voters no less than 405,960 actually polled at the last general election—a large proportion, when it is considered that in thirty-nine counties, or divisions of counties, there was no contest, and therefore no poll.

The truth is, that the size of a constituency may afford a pretty fair criterion of the sum per head which will be needed to bribe it withal when it becomes bribeable; but no criterion at all of its being, or likely to be, in that shameful predicament. At the first municipal election in Totnes after its disfranchisement as a parliamentary borough, the same men who had asked and gotten their tens and twenties of pounds per head at many parliamentary elections, sold their burgess votes to the candidates for seats in the town-council for half-crowns, for shillings, for sixpences, rather than deviate, even unintentionally, from the local way of selling votes to every purchaser. In Beverley, the rates vary from sums denotable in gold to those in silver, not only as between one time and another, but even as between one elector and another, in respect of the same election; but the habit varies not, nor the practice. Much the same appears to have been ascertained at Norwich with respect to the few bribeable classes of that large constituency. It had been so at Canterbury and one or two other boroughs in 1852; and it was so in some of those which were investigated in succeeding times. At Bridg-

water the rate seems to have fallen below, and seldom so low as, five pounds per head. In the good old time of George III., when the electors were few, and every vote was of consequence, from one hundred to five hundred guineas are recorded by Oldfield as the price of one such vote.* As the supply increased, prices of course fell. From twenty-five to fifty pounds a-head were so received at elections between 1832 and 1840; but the nominal price was ten pounds, at which rate, as appeared at the trial in February 1869, before Mr. Justice Blackburn,† there was a brisk business doing in votes at the last general election for the two successful candidates. But there, as elsewhere, the habit has not varied at all, nor yet the practice, except as to the means of concealment. The larger the constituency, it has even been said, the greater the facility of bribing without detection. The proposition is one of the universally affirmative sort; but the

* "NUMBER OF VOTERS, 400.
"RETURNING OFFICER, the Mayor.
"PATRON, Earl Paulet.

"POLITICAL CHARACTER.—This borough formerly acknowledged the patronage of the famous Bubb Doddington, of political memory, who was opposed by the Earl of Egmont, when they were leaders of the Tory faction of the late reign (George II.) Earl Paulet had then the lead of the ministerial party in this place, and by coalescing with Lord Egmont contrived at last to possess himself of the controlling influence. His lordship's interest has been frequently opposed by Benjamin Allen, Esq., Lord Percival, John Langston, Esq., and the Honourable Vere Paulet, his own brother, who have all succeeded at different periods. But, as Earl Paulet has the distribution of the government favours, he has always been considered as the patron. The contests in this borough have been productive of the grossest bribery. We have heard one elector boast of selling his pig for a hundred guineas, and being allowed to eat it himself; another, that he has sold his parrot for the same sum, but the candidate never claimed his purchase. Sums of three, four, and five hundred guineas have been given for single votes."—Oldfield's *Representative History of Great Britain and Ireland* (London, 1816), vol. iv. pp. 445-6.

† Bridgwater Election;—Commons' Paper (1869), 65.

contrary has never, to my knowledge, been shown to be true in any particular case.

Not less delusive is the notion, lately put forward upon something like authority, that the remedy lies in such a redistribution of constituencies as will give to each elector a personal motive to be pure, rather than in the deterring effect of penalties to be inflicted, as now, upon a person or a place. For the motive, every elector has it now, if he chooses to understand it. For the remedy, it is abundantly clear that, by those who advocate it, the mischief itself is misconceived. It consists not in the indifference of men, who are not criminals, to the due performance of an unsought and imposed public duty, but in the diseased craving by which all criminals are so easily beset, for the gaining, by any means, good or wicked, of their own selfish ends. The common law against bribery, against embracery, against corruption of every kind, was but the echo of the conscience, the voice with which the law of nature makes itself audible to every heart; and the statute law, so far as its own technicalities and confusions have left it any action at all, is but the machinery by which the common law is put into action, so as best to abate the mischief and to advance the remedy. Reformation of the criminal may be indirectly the result in some cases; but it is neither the primary end, nor is it very often accomplished. The only primary end of all punishment is example. In so far as the punishment has operated to deter others from the commission of crime, that end is attained. After that, if it be practicable, we ought to endeavour the reformation of the criminal—whether briber or bribed;—for there is no distinction to be made between the knave who debauches and the knave who consents to be debauched, into the violation of a solemn trust. And it is another fatal objection to Lord Hobart's theory, that it makes no provision for the reformation of the briber, being conceived exclusively in the supposed interest

of society to devote all its solicitude to that of the taker of the bribe.

On the whole, then, the course to be taken seems clearly to be to revise the penal laws against corruption, in the sense of making them more effectual to the punishment of the bribers and bribed alike; or if the present artificial taste for refinements of that kind must be gratified, then according to a scale of which the heaviest penalties shall fall upon the bribers. Proof of any monies spent or advanced, or agreed to be spent or advanced, whether by gift or loan at or before or after any election, or repaid or agreed to be repaid at or before or after any election, by which any elector may be in any way profited or indemnified, at the cost of any promoting the election, and for which the latter shall not have received a lawful and sufficient consideration, or the reasonable expectation of it, ought to be declared *probatio plena* of corruption. Proof of excessive expenditure of monies, not known to have been legally expended, ought to have the same effect. The offence of corruption ought to be declared to be punishable simply as such:—and the mischievous distinctions of bribery and treating, of gifts or loans, payments or promises, with corrupt intent, and the like without corrupt intent, of "nursing" the constituency, periodically or otherwise, with corrupting contributions, and "nursing" it with charitable contributions and the like, ought to be for ever swept away. All disbursements or engagements of that kind are but so many devices for getting or keeping up an influence exercisable at elections, and yet one entirely irrespective of the personal fitness of the person to serve in Parliament. Nobody doubts that this is so; and to pretend otherwise is an imposture too flagrant to be called hypocrisy, for it wears no mask. Nobody, therefore, ought to complain, if the statute law be simplified so as to reach and punish those palpable evasions, in the same way as, it is admitted, it ought to reach

and punish every direct violation of its enactments. Canvassing should, so far as possible, be prevented; and as it is not only possible, but easy, to prevent paid canvassing, that should be done forthwith. The opening of public-houses for any purpose, even that of having committee-rooms in such places, ought to be declared to be at law what is, in fact, corruption, and punishable as such. "Nomination-day," and its gatherings and speeches, ought to be abolished; the "state of the poll" concealed until the end of the poll; and the poll itself taken by way of ballot. Moreover, instead of hastening, as now, to the period of indemnity against all petitions, prosecutions, or suits for the avoidance of elections, or the recovery of penalties against the guilty, the Legislature ought to consider well before it enacts, in respect of the worst kinds of the crime, any statute of limitation. In respect of those offences which it may deem fit so to consign to oblivion, after a certain term from the periods of commission, not less than four years ought to be allowed to constitute the limitation.* And, finally, if each House of Parliament, exercising that power over its own members which they do assert is theirs, under I know not what section of the unknown and inscrutable "Law and Privilege of Parliament," should think fit, in their case, to superadd expulsion or sequestration to conviction for any species of corruption in a court of justice, none but the offenders would have the right to complain of a stretch of discipline, which all the rest of the world would be fain to welcome as a proof that Parliaments were at last "in earnest."†

* To prosecutions at the common law, still competent in some cases, although much disused, no such limitation affords any defence. To prosecutions of all kinds, including *Qui Tam* actions, the Legislature has most unwisely allowed a twelvemonth from the period of commission to be a bar. Before the present Act was passed, the term was two years. But even that is far too short a term, regard being had to the secrecy of the crime, and the slowness of disclosure.

† Intimidation and undue influence are corrupt practices by statute and the

The great difficulty in the way of a satisfactory revision of the existing enactments—such, namely, as will effect their professed objects, and by facilitating the detection and punishment of corrupt practices, prevent their recurrence—remains to be stated.

The true view of the relation between the constituency and the member has been entirely lost. When learned judges, like those recently engaged in the trials of elections under the temporary Act of 1868, were heard to say that the challenged seat was in the nature of a property or estate, of which the sitting member was in the actual possession, it was painfully evident that the constitutional doctrine of suit and service in Parliament was forgotten. A seat in Parliament is neither a privilege nor an emolument, but a burthen. The advantage belongs to the constituency—of having a representative there, not to the representative whom it sends there; and even that advantage of the constituency is coupled with and inseparable from the office or duty of using it for the welfare of the body politic. To impeach the exercise of that office or duty in any particular instance is a very different thing from impeaching the right to it. But as against the constituency, and as to the representative, there is, strictly understood, no right at all to be impeached or to be defended. When, therefore, their Lordships announced their intention to give to the sitting member that benefit of every doubt, and that liberal construction of the evidence which would have been only just and proper had the case been that of an estate in his possession, they not only did that which the newspapers of the day blamed them for doing—forgot that the *jus tertii*, the right of the "public," was also in question—but also that

common law; and much of what is recommended in the text, *mutatis mutandis*, must be understood to be recommended as to those forms of "corruption" also. But there are peculiar considerations applicable to them, which do not properly belong to the subject of this paper, and which cannot be discussed within its limits.

the aforesaid *jus tertii* was really the only right in question before them, and that the "public," or body politic, whose return had been challenged, was the only respondent. Some expressions of Lord Holt, in giving judgment in the famous *Aylesbury Case* (1702-3), already referred to,* were cited from the Bench at one or two of the election trials, in support of those learned judges' view—it is submitted an erroneous one—that the relation of the petitioner and respondent was that of a plaintiff and a defendant litigating a question of title. Lord Holt's opportunities of usefulness in resolving claims of franchise were to cease with the case before him; but they had been many, and he had improved all of them very well. Thoroughly versed in the law and doctrine of elections, he did not foresee the century and a half of desuetude and darkness which the comminatory "Resolutions" of the 31st January 1704 (N.S.) were to bring upon Westminster Hall, nor did he perhaps foresee that the very judgment which he was delivering would provoke the House into the adoption of those "Resolutions." It is possible that Lord Holt would otherwise have made his meaning so clear as to give no colour to what I respectfully submit to be an erroneous interpretation on the part of their Lordships. Still his meaning, even as the words stand, appears to negative that interpretation. Far from regarding the electoral franchise as a "property," Lord Holt expressly declares that he regards it as a thing imposing a duty towards "the body politic." If he mentions "property," it is only in respect of the pernicious fiction of Coke and his fellows in the Parliament of James I., the "tenure in antient burgage," and only to distinguish it from the franchise of the "common right." That excrescence upon the electoral system seemed to Lord Holt to be not a "right," but a "privilege;" not "a personal privilege," but "a real privilege" or "interest" of a proprietary kind. Neither the "place" nor the "body politic," nor any

* Ashby *v.* White, 1 Smith's *Leading Cases*, 247, 6th edition.

one but the owner, was concerned to see to the maintaining of it; or, to use the language of the learned Serjeant Heywood's paraphrastic commentary on Lord Holt's words, "It was the land to which the vote belonged, ... the land, not the owner or occupier, which was represented."* But every other parliamentary franchise, said Lord Holt, was "a personal right, the inheritance whereof was invested in the whole body politic, and the exercise and enjoyment whereof were in the particular members" of that body politic or community. Of their representatives Lord Holt took no account and made no mention.

Still that is the prevailing opinion of the day: and a terrible hindrance it is to every effort to put an end to profuse expenditure. When candidates are mean enough to acknowledge with emotion the "compliment" paid them, and the "obligation" imposed upon them, of being sent to Parliament, it is not to be expected that their more ignorant constituents should not take them at their word. "*Facio ut des*," or "*do ut des*,"—whatever the form of contract, it is a contract; and even the least lettered of the honourable member's constituents will readily understand that, however the thing may look in point of constitutional theory, to the representative whom he has chosen it appears very clearly that he, the chosen one, has thereby been put into a place of profit as well as honour, and is willing to be grateful in kind. Nor do the consequences rest here. It is *communis error;* and it infects all our legislation. Every proposal to reduce expenditure at elections has the same stumbling-block to encounter. Even the reasonable endeavours of Mr. Fawcett to get the expenses

* *Digest of the Law*, etc., relating to Burgh Elections (1797), ch. vii. p. 265. The fiction was followed out into all its consequences at the Horsham Election Trial in 1796; where the conveyance of a burgage vote was put in and admitted. The "Parcels Clause" ran thus: "All that part of a messuage or tenement, garden, and back side, together with the vote and other privileges and appurtenances to the same belonging, being burgage tenure," etc.—1 Fraser's *Election Cases*, p. 1.

of the poll-booths and their officers charged upon the local rates have failed hitherto of their effect, because, forsooth, of the opinion which possesses "the House" that "the seat" is the member's own property, and therefore he and not the place ought to bear the cost.

The conclusion would seem to be that the constitutional doctrine ought to be declared in unmistakeable language, by way of preamble or otherwise, upon the face of whatsoever statute may be adopted for carrying into effect the revision and consolidation so urgently needed of the enactments against corrupt practices, whether it be limited to those used in the procuring of returns to Parliament, or made applicable, as it should be, to all elections of public concern.

There remains to be noticed the question of procedure. At present there has been found much difficulty in obtaining convictions, even where the letter of the particular enactment allows of no doubt. The crime is of a secret nature, but the inherent difficulty in bringing it to light is as nothing when compared with the difficulty in bringing it, when disclosed, to trial and punishment. If the common rule for the construing of statutes, not by the intent, but by reference to the presence or absence of penal sanction, be suffered to embarrass the general administration of criminal justice any longer,* even then an exception ought to be admitted in the peculiar case of a crime like this. Whether we regard it in its nature,—as a secret crime,—or in its ends—the poisoning and destruction of civil society,—we must confess that all enactments by which it is to be repressed ought to be deemed to belong to a certain class of penal enactments, described by Lord Coke as properly remedial enactments; and to be construed with the same liberality, and so as "to abate the mischief and advance the remedy."

* There are some suggestions on this subject in the Third Report of the Statute Law Board (1854), to which I entirely adhere.

At present the contrary method prevails, and this not only in the case of prosecutions for penalties, but even at the trial of petitions against the parliamentary returns; the prayer of such petitions being, it has been said, tantamount to claims of forfeitures. The practice has not been uniform, nor are some of the judgments* entirely to be reconciled with each other. But enough has been elicited of the sentiments of the Court upon this one point to discourage accusation; and the rather, because of the uncertainty of the law which that very want of uniformity of decision shows to exist with respect even to essential matters, such as, the crimination by means of agents, the evidence of corrupt motives to be gathered from proof of a lavish outlay, and similar questions of circumstantial evidence.† There is so much the more cause to regret the occurrence of causes of discouragement, in that there were already too many difficulties in the way of a petition. Some have been already mentioned; but there are others, and not the least of them are those of a pecuniary kind. Thus the thousand pounds' deposit or recognisance was a hard condition imposed by the new Act. But their acquiescence in the high parliamentary scale of fees and costs payable to the lawyers was not imposed upon the Courts by that or by any enactment.‡

The point in which this "Election Trials Act, 1868," seems to be most wanting, is the jurisdiction. Unquestionably it was Mr. Disraeli's intention, when he proposed the bill, that the duration of the inquiry before the election judge should not depend upon the inclination of the petitioner or of the respondent, as was the case with election trials before the Committees of the Commons. If the bill, as

* Compare, for instance, the cases of Bradford (No. 1), Westminster, Greenock, and Dublin.—Commons' Papers (1869), 120, 120 I.

† *Id. Id.* and Tamworth, Taunton, and Hereford.—*Ibid.*

‡ Commons' Paper (1869), 395.

presented, had been suffered to pass, it would have answered very imperfectly to that intention; but still it would have gone a good way towards it. But in its present shape the Act contains nothing to require the Court to proceed beyond the conclusion of the particular inquiry. If the judge is of opinion that "corrupt practices have extensively prevailed," so as to demand a new and more searching inquiry into the moral sanity of the place, he is not bound—perhaps not authorised—to take one single step in the conduct of that inquiry. He is nothing more than the substitute, in that respect, of the old Election Committee. Like that suspended tribunal, he may report to the House his belief that such practices did extensively prevail. Upon that report, the old course—if Parliament thinks fit—of addressing the Queen for the issuing forth of the statutory Commission of Inquiry, may be taken. If it issues, the Commission must take all the evidence over again, which was taken by the judge, and whatever other evidence may be laid before it by volunteers, or wrung from the unwilling. As they, and their secretary, are necessarily strangers to the place, and all help in the shape of an establishment is denied them, and they have no power to allow themselves the luxury of hearing counsel, or attorneys, or agents, upon any pretext whatever, it is a marvellous thing that those inquisitions should have ever proved successful in a single instance. It is no marvel at all if any of them have sometimes understood differently from the rest their powers and duties. Let their critics put themselves in their place. Let them consider how anomalous a thing it is to have to make one's self *à priori* the partisan of some particular view of the case, in order to begin to investigate upon oath, and then to have to lay aside all partisan or preconceived opinion, in order to find and determine, and again upon oath; and how difficult a thing it is to know when and at what point to execute that change of character. When they have done their best to

overcome the difficulties inherent in their position, or accidental to themselves, it may well be that they are, after all, unprofitable servants. But the fault should, in all candour, be laid to the authority under which they act, rather than to their own shortcomings; and now the time is come when that authority ought to be reconsidered, and, if unsusceptible of the required improvements, to be abolished.

Its date is comparatively new. In the session of 1852, the increasing agitation out of doors compelled the moribund Parliament of the hour "to make more effectual provision for inquiring into the existence of corrupt practices at elections of members to serve in Parliament. A bill for that purpose had been prepared, under the direction of the law-officers of the Crown, Sir A. Cockburn and Sir W. Page Wood, just before the resignation of Lord John Russell's administration. It was adopted by their successors, Sir F. Thesiger and Sir Fitzroy Kelly, and passed.* It was an ill-penned Act; but it answered its purpose, and substantially it is still the authority under which these Commissions are issuable by the Crown. It has happened, however, that by still later enactments, in which the evil influence of the monied men of the House is plainly discernible, the most useful of its provisions have been quietly expunged, and others of a useless, or even a mischievous character, substituted in their room. Thus, where the original enactment gave indemnity against prosecution or suit, in respect of corrupt practices, to "every person who upon his examination made a true discovery, to the best of his knowledge, touching all things to which he was so examined," adding that "no person should be excused from answering any question on the ground of any privilege;"† provisions of which every Commission which sat between 1852 and 1863 had demonstrated the advantage,—the opportunity of a bill, in the last-mentioned year, relating to Corrupt Practices (not to

* 15 and 16 Vict. c. 57. † *Id.* s. 9.

Commissions of Inquiry), was silently used to repeal the original enactment in the above particulars, substituting for the provision as to indemnity the inane or else monstrous directions, that "any witness should be entitled to receive it," merely by his "answering every question," and by the Commissioners so certifying the fact, without any regard to the nature of his answers; but for the provision as to "privilege," substituting nothing at all. The interpolations passed into law, and are still in force.*

The present Lord Chief-Justice of England is said to have intimated an opinion that the effect of the first interpolation has been to impose upon his Court the jurisdiction to compel any Commissioners to grant certificates under their hands and upon their oaths of office, in the very terms of the Act—namely, "that the witness has answered every question," even although they conscientiously believe and swear that there are questions which he has not answered, or that he has answered none at all.† The deplorable consequences of the other interpolation in restoring the excuse of "privilege" have been recently exemplified in partial paralysis of the inquiry into the corrupt practices of the Dublin Freemen before the Commission of last year, whose report, when presented, will perhaps be the means of exciting the authorities to the discharge of a very plain duty, with respect to the shocking degradation of the law thus occasioned by their own legislation.

In only one respect, and quite by accident, the jurisdiction of these Royal Commissions has been made more efficacious. In the interest of economy alone it was provided,—by "The Parliamentary Elections Act 1868," and "The Corrupt Practices Commissions Expenses Act 1869,‡—that the peccant

* 26 Vict. c. 29, ss. 7, 10, and Schedule. Compare the observations of the Totnes Inquiry Commission, *Report*, p. 1.

† *Ex parte* Lovibond, Q.B., 24th November 1869.

‡ 31 and 32 Vict. c. 125, s. 15; and 32 and 33 Vict. c. 21.

borough or place shall make good to the Queen's Treasury all the expenses of the inquiry before the Royal Commission. In the interests of truth, the operation has been more salutary than in those even of economy. The local authorities, or, in their default, the ratepayers, have now only to be told that the Commission means to spare neither time nor money in ascertaining a certain material fact, as to which, perhaps, endeavour to obtain evidence had hitherto failed; and lo! the proof is forthcoming. They weigh the pain of the daily money charges against the pleasure of puzzling their inquisitors, and the pleasure kicks the beam.

A serious question concerning those money charges yet remains. In the present constituency this man may have been an irreproachable citizen, and voted purely, and kept him from the councils of the briber and traitor and oppressor all his life; and yet he shall be mulcted in precisely the same proportion of the charges as that man in whose wickedness or folly perhaps the whole business began; and he asks, "Is this fair?" It was certainly unfair to charge the expenses upon the whole realm, as was done until last year:—and if there were discoverable any way to exempt such a case as that stated, no doubt it is a case for exemption. Until the way is discovered, there is no choice for the aggrieved citizen but to put up with the grievance, or to attribute it to his own unhappy choice of domicile. But the reflection that such cases of hardship exist ought—if none other urged us—to bring about a scrutiny into the cost of these Royal Commissions—a comparison of their results with their cost—and a serious inquiry whether those economic considerations are not so many additional reasons for suppressing the system altogether, and requiring the Election Judges to perform the duties attached to it.

The expenses of the six Commissions of 1869 are as yet unascertained. Those of all the other Commissions—thirteen

in all—from 1852, the year of the passing of the Act which gave the authority to issue such commissions, have been returned from time to time to Parliament.* The respective gross amounts for the several years are as follow :—

1853. Commissions into five English Boroughs .	£13,915	15	0
1857. A Commission into an Irish Borough .	1,114	8	11
1859. Commissions into three English Boroughs and	6,436	2	6
1866. Commissions into four English Boroughs	11,980	9	6
Total of the expenses of all such Commissions between 1852 and 1868, both inclusive	£33,446	16	11

The whole of that sum-total was defrayed out of the Treasury, but, as already stated, expenses of the Commissions of 1869, and of all future Commissions, will now be borne by the places themselves.

Only four out of the thirteen boroughs were disfranchised; and not one delinquent, briber or bribed, named in the reports, was brought to judgment. On the contrary, the Queen's law officers entered a *nolle prosequi* in each of the eight prosecutions which were instituted, and the country was saddled with the additional sum of £4,952 : 3 : 4 "for costs."†

Evidently *le jeu ne valait pas la chandelle.* Therefore it was resolved that for the future the locality should be made to pay, and so the expenditure, if not saved thereby, at least kept out of sight :—Routine on that occasion not disdaining to follow the policy of the ostrich.

On the other hand, the same routine, defying the popular demand of retrenchment, has within the last two years made a permanent addition of at least £15,000 a-year to the charges for "Judicial Establishments," by creating a new judge for each of the three Courts of Westminster Hall, and this

* Commons' Papers (1854), 63 ; (1860), 144 ; (1866), 367 ; (1867), 325.

† Commons' Paper (1866), 367.

expressly for the purpose of enabling those courts to try all election petitions, whether alleging corrupt practices, or on any other ground seeking to avoid returns to Parliament. Also, it is understood that every English judge upon the "Rota" of election judges, is *ipso facto* relieved for his year from the burthen of the circuits, and from other departments of the judicial work. If then it should ever be thought advisable to abolish the system of Royal Commissions of Inquiry, and to repeal the Acts which authorise them, there will be not only a large economy of money and labour in entrusting to the superior courts the new jurisdiction which it will then become necessary to call into existence; but also an extension of powers, already conferred, in harmonious unison with the spirit of the Legislature, which only two years ago conferred them.

In the brief compass of these pages it is impossible to enter at large into the details of this proposal. But the leading principles may be generally stated.

The election-trial should, as now it does, proceed upon the petition presented, to judgment; and, if the term be allowable, to execution. The seating or unseating of the petitioner or the respondent—then as now—will not be hindered or delayed by any subsequent inquiry into the prevalence of corrupt practices, irrespectively of the particular trial whose result will be reported to the Speaker, even as now. If enough have already transpired during the trial to satisfy the judge's mind of the necessity of such ulterior inquiry, he will, then as now—at the time of giving judgment—declare it. If he need further information before doing so, he will have, then as now, the power of compelling that information—a power, however, not as yet put in use by a single election judge. Hitherto there is nothing in the proposal which is not in strict conformity with what is now law, and for eighteen months longer will remain the law, under the "Parliamentary

Elections' Act, 1868." But here it entirely diverges from the plan provided by the temporary Act.

The judge, having determined that there ought to be the general inquiry, will himself take all necessary measures for proceeding with it, taking it up from the point already arrived at; and, of course, making use of all the evidence taken by him at the trial. Whether those ulterior proceedings should be commenced immediately, or whether a short adjournment —in the shameful dearth of public prosecutors at present existing in England—in order to enable all prosecutors, *pro hac vice*, to be appointed for the purpose by the judge, to prepare themselves with the requisite proofs, should depend upon the circumstances of each case, and be left to the judge, who must be more familiar with those circumstances than anybody else, to determine. But there should be as much despatch as possible in instituting those ulterior proceedings; and, once begun, they should be continuously prosecuted unto the end. They should also be conducted upon the spot, and not elsewhere. The slowness to open their sittings, their intermittent meetings and long adjournments, the tendency to remove as soon as possible to London, and the delays which are the consequences of such remissness and want of zeal, are amongst the severest of the reproaches cast upon the Royal Commissions of Inquiry under the existing statutes, and certainly not always with injustice.

The *quantum* of evidence which should satisfy the judicial mind of the fitness of disfranchisement—entire or partial—local or personal—or that there is no case for any disfranchisement at all—cannot be predetermined in general, although it may easily be conjectured in each particular case. The judge should be left at liberty to close the inquiry whenever his religion is satisfied. There will be no need to exhaust the lists of witnesses, where the *residuum* have nothing both new and material to depose. And, as the judge receives no addi-

tional fee or reward for additional or extra labour, the untoward suspicion which, right or wrong, always does rest upon those so remunerated, will, if the proposed change be adopted, be spared to the administration of justice. But he should be empowered to adjourn, *sine die*, the taking in that form of any inquiry which he may think more suitable for a prosecution in the Crown Court, and he should also have power to direct one to be instituted.

If the power be continued at all—it should also be left to his discretion whether or not to inquire further back than any one given election, and, if he does so inquire, whether or not to inquire also into any elections of intermediate date; and this without any reference to the possible circumstance—by the Act of 1852 made a baulk to such inquiry—that between two corrupt elections, one or more, not shown to have been corrupt, intervened. After all, the antient rule was to disfranchise or not, according as the common repute should appear to justify, the measure or the reverse. And, at all events, as much slighter amount of proof than would, in the judge's opinion, suffice for an indictment of a person or a place, might also, in his opinion, be more than sufficient to sustain a disfranchisement Act.

But here experience suggests a graver doubt. And it is whether the power to inquire beyond the last election does not sometimes operate to hamper and impede, if not to frustrate inquiry altogether. The terrible fate of the late Lord Justice-Clerk, a victim to rash confidence in weak or faithless friends, and to his own pure sense of a disgrace which is too generally regarded as no disgrace at all, is only one of many cases which suggest themselves in illustration of this seeming paradox. His Lordship's parliamentary life had lasted but a month. He lost his seat—was raised to one of the highest places on the bench of justice, and from that time forth, abandoning the arena of party politics, applied his abilities and

learning to the conscientious and impartial administration of the law. Two years and a half had passed away, from the day when he vacated that seat for the English borough, which for those few weeks of 1866 he had represented, but of which his political chiefs and their managers had never imparted to him the shameful antecedents and character;—and then there came a new election—the second in order from his own—and once more the voters of Bridgwater thronged the streets, says the newspaper report of one witness's evidence * "more like beasts on a market day, than like men," waiting to be bought,—and the market was made. The defeated candidates petitioned. The election-trial was decided against the sitting members:—and, the learned judge having reported specially his belief that corrupt practices had extensively prevailed at that election—the general election of December 1868—the Royal Commission of 1869 went down in due course to inquire into the matter so reported, and having found the facts to be as Mr. Justice Blackburn had believed them, were led to inquire back and back, until they came to the antient election at which Mr. Patton had been a candidate. Of what avail was it to a man like him, justly sensitive of the purity of the ermine, that his conscience bore him witness of being "neither art nor part" in the corrupt practices by means of which the Conservative agents had won the venal votes of the base townsmen for the wealthy Scots stranger? or that they, and worthier men than they, were prepared to clear him upon oath? That the crime had been committed he at length knew too well; and that the brief parliamentary career had been gained to him, albeit at the time unconscious that it was so, by that crime. I pursue the narrative no further. But one would fain ask whether, if Mr. Patton or his well-wishers, on learning the truth, and being

* Report in the *Bridgwater Mercury* (4th September 1869), of Mr. Eustace Barham's evidence before the Commission.

also made aware of the tremendous possibility of its becoming afterwards—no matter at what distance of time—the subject of the statutory inquiry, it would have been otherwise than natural for them to desire—I do not say to effect—a summary frustration of that inquiry at the outset, simply because thereby alone the possibility of the inquiry which they dreaded could be averted from the victim's head?

It is untrue to say that these speculations savour of improbability or over-refinement. On the contrary, so long as the practice obtains, of filling the seats of justice in England, Scotland, and Ireland, with judges who, good as their professional titles undoubtedly have been, owe their preferment to parliamentary success, so long will the danger indicated be one of everyday occurrence. How can it be supposed, for instance, that the miscarriage, upon a technical failure to prove "agency," of the recent petitions against the returns for Southampton and Guildford, founded upon allegations of bribery and the like malpractices,* not unfamiliar in either borough time out of mind, was not a matter of some relief to the feelings of two former members for these boroughs, who had held their seats in several Parliaments, but only after repeated contests, and only relinquished them for the bench? I mean the present Lord Chief-Justices of the two English Courts of Queen's Bench and Common Pleas; but their Lordships are not by any means the only judges of Superior Courts at Westminster or elsewhere who have ere now contested at the poll for the honour of election to Parliament. It is not in human nature that any judge, or indeed anybody else, can regard with indifference, or even with equanimity, an enactment which, at any period of time, may so operate as to convert an occasion, furnished by the crimes of others, and whether committed already, or hereafter to be committed,

* 23d April 1869, in Commons' Paper (1869) 120 I. 289; 22d January 1869, Commons' Paper (1869) 120, p. 99.

into the means of putting himself, or his fellow-judge, his colleague in office, or his dearest friend, upon his own trial for offences of the same kind, surmised to have been committed in years long gone by; and of their innocence as to which the evidence may have perished, in fact or in remembrance. It is vain to say that the reverend judges of the land will always be so well armed against temptation of every kind that it must be impossible for them ever to be biassed either by self-interest or by fear of such a bias. The best of us, after all, are but men; and it is impossible not to see that there is even now stirring a certain jealousy of the inquisitorial jurisdiction,—a real or affected alarm lest the zeal of the Commissioners, in whom it is at present vested, for purity of election, shall end by eating them up. Moreover, it is quite as much the duty of the Legislature to avoid placing needlessly before the public servant all occasion of sin, as it is his duty to resist every temptation to backsliding. And, lastly, if these things be true of the highest, how much more true must they be of those less exalted? If the proposed transfer of the jurisdiction to the Judiciary ought to be accompanied with safeguards, it must surely be imprudent not to fence it with at least equal precaution so long as it remains in meaner hands.

There remains to be noticed the chief advantage of the transfer. At present an inquiry of that kind has no other end than the "Finding" of certain facts, to be reported to the Queen, for enabling Her Majesty to inform the two Houses of Parliament thereanent. The Commission—if a court* at all—is but a court of inquiry, and one of less account before the law than the pettiest coroner's court. But when the inquisition shall ripen into a judicial proceeding, and the jurisdiction be exerciseable by no meaner authority than that of a judge

* *Re* the Beverley Commissioners, *ex parte* Flint and another (Q. B., 3d Nov. 1869), 18 W. R., 208, S.C. (Exch. 16th Nov. 1869), 18 W. R. 172.

of one of the superior courts of law or equity, it will be an unbecoming thing to withhold from the court its normal power of adjudication. The court which tries the question should be the court to decide it. With that court should rest the determination of the issues, as, for example, "Have or have not corrupt practices so extensively prevailed in this constituency as to justify an application to Parliament for disfranchisement?" and "Ought that disfranchisement to be entire? or ought it to be partial?" and "Ought it to relate to the place? or to certain persons by name?" In this manner the unhappy estrangement of asserted "privilege," and the law, which for well-nigh upon two hundred years has lasted, will, for the common good of all, have been at length determined.

I do not imagine that the Judiciary will resent a proposal of that kind. The judges, in the first place, must undertake the performance of whatsoever judicial duty the Legislature thinks fit to impose; so that it be verily and indeed judicial duty, and such as they are competent to undertake. But, in the next place, the Superior Courts cannot but be conscious that the effect will be, not to create a new jurisdiction, but to restore to them, in some sort, an antient jurisdiction; or, in other words, to take away that pressure from without which has so long restrained them from asserting the principles upon which the proposal is founded, and deprived those principles of action. The English Constitution empowers and requires the Court of Queen's Bench to restore, by writ of Mandamus, the rightful claimant—whether by nomination or by popular choice—of a public office or franchise from which he is wrongfully excluded by force, or error, or fraud;—to examine, by writ of Quo Warranto, into the real or fictitious pretention of the occupant of any such office or franchise; and having so examined, to sustain or annul the nomination or election to the same;—and, above

all, to inquire, by writ of Scire Facias, into the title itself, by which the office or franchise is conferred,—into the nature and origin of the body corporate conferring it,—into the conditions of its charter,—into the observance of those conditions;—and, lastly, into the extent to which the breach or neglect—if any such there be—of those conditions, may have worked the seizure and forfeiture of the charter itself into the Queen's hands,—or, in other words, subjected the body politic to sentence of disfranchisement. It is submitted that the plan by which it is now proposed to restore the supremacy of law over privilege of Parliament, is not only no innovation upon that transcendent jurisdiction of the courts of law, but in thorough conformity with the principles of common law, upon which that salutary jurisdiction is founded, and by which alone it is to be defended and maintained.

T. C. A.

HINDRANCES TO AGRICULTURE.

(From a Scotch Tenant-Farmer's point of view.)

THE least reflection on the subject will suggest that it would be for the advantage of the whole community to remove, as far as possible, all hindrances to agriculture. In the United Kingdom there are upwards of 45,500,000 acres under cultivation, or in grass, or lying as bare fallow. Of this quantity, as it appears from the valuable agricultural returns now annually obtained by the Government, upwards of 11,500,000 are under grain crops. The acreage of the principal grains may be mentioned. Wheat occupies nearly 4,000,000 acres, oats about 4,500,000, and barley slightly under 2,500,000 acres; rye, beans, and peas make up the remainder. But to feed the teeming thousands of our constantly and rapidly increasing population, there is annually imported into the United Kingdom corn of all kinds, of the average value of £25,000,000. Besides this there are importations of beef and mutton to the the value of £6,500,000; of butter and cheese, £8,400,000; and of potatoes, £200,000. Of all the kinds of grain imported, wheat forms the largest and most valuable portion. Fully one-third of our annual consumption of wheat and flour is now obtained from foreign nations. It is curious that wheat, which enters so largely into the daily food of the people, is the only agricultural product that has fallen in price since the adoption of free trade. Mr. James Caird, the well-known and able agricultural writer, has estimated that the difference between a good and a bad season amounts to £30,000,000 in the cost of wheat and flour alone. He has also shown that

nearly the whole of this huge increase, paid by the nation for daily food, goes into the pockets of foreign growers. It is obvious that a large part of this increased price must be paid for in gold, the effect of which is to derange the currency and to cripple trade and commerce. As we cannot increase the area of the kingdom by a single acre, it is clear the nation has a deep interest in the proper cultivation of the acres we have got, and that every obstruction should be removed that tends to prevent the application of skill and capital to the soil. Every practical agriculturist knows there are no other means, except this application of skill and capital, by which produce can be increased, and the effects of untoward seasons rendered less disastrous.

In this country, landlords and farmers form two distinct classes, as only a very small proportion of the soil is in the personal occupancy of the owners. The land is generally held in large estates by individuals who are frequently in possession of enormous incomes, but it is also too often the case that the nominal owners are merely tenants for life, burdened with the debts and settlements of preceding proprietors. In some instances corporations and charitable institutions possess large landed estates, all of which are likewise occupied by tenant-farmers. The latter are expected to furnish the necessary capital for stocking and cropping the land, and to be in possession of the requisite skill for conducting the various operations necessary to a successful issue, so that, after deducting the tenant's profits, the landlords may obtain a fair rent. Unhappily there are many hindrances, all tending to prevent the full development of the resources of the soil by tenant-farmers, to the loss of both landlords and tenants. These hindrances are becoming more apparent every day, particularly to the most energetic and skilful of the practical agriculturists. As a body tenant-farmers are compelled to think seriously of the position in which they are placed, as it becomes more and

more necessary to apply greater skill and a larger capital to land, in order to raise increased crops, with which to pay steadily-advancing rents to landlords, and higher wages to agricultural labourers.

It might naturally be supposed there was nothing very far wrong, when landlords are able to obtain larger rents and labourers higher wages. But a little examination will show that tenant-farmers have good reasons for feeling discontent at the unfair conditions under which they are compelled to conduct their business. There are, first, the terms of agreement under which land is almost universally let; and secondly, the effects produced by the common law of the land and various Acts of Parliament on the business of farming and on the class who follow agriculture as a profession. Beginning, then, with the terms of agreement entered into between the contracting parties who let and take land. Practical farmers are well aware that the amounts of landlords' rents and tenants' profits largely depend on the terms of the contract entered into between the parties. It might naturally be supposed that self-interest would be an unerring guide to the true solution of the problem of what was best for both parties. This, however, is far from being the case. The terms of agreement, and the form of leases, are almost invariably stereotyped on every estate. Singularly enough, in each separate district they will be found to be nearly uniform, and, even taking the kingdom as a whole, whatever modifications of terms there may be, these seem to depend more on situation or climate than on principle. Almost universally there appears to be the same evident desire to prevent the tenant exercising his skill beyond the ordinary prescribed routine. The rotation of crops which the tenant is bound to follow is in general carefully stated; and no deviations are allowed, under heavy penalties, without the written sanction of the proprietor. More frequently the production of

the most valuable and best-paying crops is restricted in quantity or prohibited altogether, unless under conditions impossible to fulfil. All this certainly tends to prevent the tenant from either paying the highest rent the land is worth, or doing the best for himself. The reasons given for these restrictions are much the same as those on which thorough drainage was at first objected to by some—namely, that it would enable tenants to extract all the valuable properties from the soil. At present, even in the most advanced and best-cultivated districts, the growth of potatoes is treated in this manner; though it is notorious that land must be clean, thoroughly cultivated, and in high manurial condition, to raise a crop of potatoes that will pay rent and expenses. And it is also known that when land is in that state, potatoes may be grown, crop after crop, without diminishing the intrinsic value of the soil—nay, that after such management grain crop after grain crop may be grown with advantage.

If there is one thing more necessary than another in order to produce successful farming, it is security of tenure for a specified period. So long as human nature remains as it is at present, there must be a certain prospect of reaping what has been sown to induce such a liberal expenditure as is required for putting land into and keeping it in its most productive state. Any uncertainty on this point must quickly dissipate all ideas of improvement from the minds of tenant-farmers. There are instances enough of tenants having been speedily called on to pay increased rents as the result of their outlay of skill and capital, where they have been so bold or so foolish as to farm liberally and effect expensive improvements under yearly agreements; while the more cautious occupiers on the same property were left undisturbed. The practice in Scotland has shown that a nineteen or twenty-one years' lease for arable lands is undoubtedly the best term for duration of occupancy. And this applies to both

landlords and tenants. The longer term mentioned, namely, twenty-one years, does not, for an undue period, deprive the landowner of the power of making such arrangements with regard to his property as he may deem advisable. And it affords to the tenant security for undisturbed possession for such a lengthened term as may induce him to farm with spirit and effect improvements and ameliorations, in the confident hope of repayment of the capital so expended, before the expiry of his term, with ample interest.

It may be said that there is no such thing in Scotland as land farmed by tenants-at-will, though the leases granted too frequently contain indefensible conditions and restrictions, and some of them clauses anything but flattering to the self-love of the tenants. Still it is owing to these leases that the agriculture of Scotland has risen to the high condition it occupies in comparison with the sister kingdoms, in spite of an unfavourable climate, comparatively poor soil, and at least one great legal grievance peculiar to Scotland alone. In England, on the other hand, leases are the exception, and land is generally let subject to the tenant's removal on receiving six months' notice to quit. Under such a system it is vain to expect that a tenant will venture to make any large outlay on improvements, when, from mere caprice on the part of the landlord or his agent, the rent may, at any moment, be raised, or the tenant even be deprived of his farm and improvements. It is true that in Lincolnshire and some other counties in England, the land is farmed under agreements which insure to the tenant payment for draining, liming, and manuring performed within a recent number of years, and for which it is calculated the tenant has not had the necessary time in order to be fully repaid. When these agreements are really liberal, which many of them are, they at least prevent the confiscation of the property of a tenant when compelled to remove. Still, under them, tenants may be deprived at any

time of their farms, the instruments by which they gain their daily bread. This is a serious matter, as farms cannot always be got when wanted. A sale of the farm stocking, crop, and implements, may be forced at a time when the value of them is unduly depressed; and what is worse, it may be several years before the unfortunate tenant has again an opportunity of exercising his calling. All this deprives tenants-at-will of independent action, and certainly does not leave them free men. In politics and other important questions they must feel they are mere tools in the hands of their landlords; and, however unable they may be to think alike, self-interest, or it may be self-preservation, causes the poor tenants to vote as they are told. It seems to be commonly understood in many parts of England, that the vote does not belong to the man but to the land, so much so that proprietors would feel astonished if any candidate for parliamentary honours were to presume to canvass their tenants without first obtaining their permission. Progress in any profession is ever the result of free and independent minds. From tenants under such bondage as has been just described, it is useless to expect more than adherence to hereditary routine.

It does not militate against this last statement to admit that the science of agriculture has made considerable strides within the last twenty or twenty-five years. Though this advance may be considered general, it is much more distinguishable in some parts of the kingdom than in others, and it has been mainly due to causes which have compelled the most backward of tenants and landlords to follow in the wake of progress, however unwillingly. Since 1836, when the late Mr. Smith of Deanston first promulgated his system of thorough drainage, a vast extent of the arable land of the kingdom has been thus drained. The result of this improvement was so marked, and it was so obviously for the interest of the landlord to have it undertaken, that the Government

were soon empowered to grant loans for this purpose, repayable in instalments within twenty-five or twenty-six years, under conditions which, in Scotland at least, tenants readily undertook to fulfil. Then, when the millions advanced by Government were exhausted, societies or companies were formed for advancing money for the same purpose, and others related to it, such as building cottages and farm-offices, and forming plantations. Almost all soils have been greatly increased in value by means of tile-drainage—in many instances, clay lands, stiff and stubborn until freed from excessive moisture, have been rendered fine friable soils, suitable for the growth of root crops; and in not a few cases, wet bogs, totally unfit for cultivation, have been converted into good arable land.

Following upon this, an extraordinary increase has taken place in the value of beef and mutton, which have risen in price from 60 to 80 per cent. This last fact of itself is sufficient to account for the great rise in the value of land which undoubtedly has taken place, even under the most unfavourable circumstances in which tenants may be placed. By means of the introduction of guano and bones, and the manufacture of various descriptions of manures, all more or less valuable, plain fallows have been replaced by root crops for feeding purposes. The rearing and feeding of live stock on strictly arable farms has become the most profitable branch of husbandry. Cattle are now kept and fed on account of the profits derived from them, and not as formerly merely to trample straw into almost worthless manure. Besides the feeding stuffs raised and used on the farm, energetic farmers annually expend large sums in the purchase of linseed cakes and other stuffs to be consumed by cattle and sheep. A ton of linseed cake is fully equal, for feeding purposes, to an acre of ordinary turnips; while the nitrogenous matter contained in good cakes, adds greatly to the value of the manure, and this again improves the productiveness and quality of such

grain crops as are grown on the farm. It is obvious from all this that the fertility of land is, to a great extent, the result of the management pursued, and that good crops are now much more dependent on this management than on the natural qualities of the soil. But this difference remains, namely that the inferior soils require a greater annual outlay, and their productiveness is more easily diminished by poor or niggardly management, than that of the better class of soils. Money can do everything in the way of producing crops, but it requires skill and prudence in management to grow them with profit on land of poor quality. The capital, per acre, which a farmer now requires is more than double, perhaps three times, the sum that was necessary forty years ago. On well-managed farms the annual expenditure for manures and feeding stuffs is generally as much as, frequently more than, the rent itself. Stock has now become dearer, and a larger head of it is required. The wages of agricultural labourers have risen from 40 to 50 per cent. Rents have also risen nearly in the same proportion, while the value of the grain crops, particularly wheat, is less per bushel than it was formerly. It is doubtful if any large portion of the land in Scotland could be cultivated at all without leases; at least, if it were so cultivated, the rents would be merely nominal, and on the very best soils they would be much reduced.

Scotch farmers are right in holding it as an axiom, as true as any in Euclid, that security of tenure is absolutely essential to produce profitable husbandry. There is one, and only one, objection to the system of leases worthy of notice. It is admitted that leases encourage tenants to do their utmost by large outlays to put their lands in the best condition during the greater part of their terms of occupancy. But it is objected, that the knowledge that their leases are coming to a close, may induce them to refrain from maintaining the previous high cultivation. This, indeed, would only be a natural

deduction on the part of the tenants from the consciousness that they may have to pay additional rent for their own capital invested in the soil, or perhaps have to leave their farms altogether. Either alternative they would consider a great hardship; though the best practical farmers aver that the true interest of tenants, even in a pecuniary point of view, is to maintain their lands in the highest state of cultivation to the very last crop. Be that as it may, if there is no wish for change, it is obviously the interest of both landlords and tenants, that new arrangements should be entered into some years previous to the termination of the current leases. Again, it would be a great encouragement to continued good farming, and thus a benefit to the country, if all tenants under leases were entitled by law to allowances similar to those granted in the Lincolnshire agreements, whereby payments are made for improvements executed, and for manures left in the ground by the outgoing tenants. Common honesty dictates, that when a tenant is compelled to leave his farm, the presumption in law should be be that payment should be made for his property left on or in the land, and without this provision no lease can be a truly liberal, or even a fair, arrangement.*

By the common law of the land, "whatever is on or attached to the freehold becomes the property of the owner," so that all improvements a tenant may effect, whether by building, draining, liming, or manuring, landlords appropriate to themselves, without thanks or acknowledgment to those by whom they were executed. It is even asserted by some, that tenants are bound to leave in complete repair buildings erected by themselves. There is a clause common in most leases, by which the tenant binds himself to "maintain and

* A step in this direction with regard to the application of lime, which is an effectual cure of the disease known as *finger and toe* amongst turnips, is said to have been lately made by the liberal proprietor of one of the largest estates in Berwickshire.

uphold all buildings now on the farm, or that may be *subsequently erected.*" This should surely be understood as meaning only those buildings which have been erected at the expense of the landlords. But further, it should also be the presumption in law, that houses, offices, or fences put up at the sole expense of the tenant, might be removed if the landlord declines to purchase them. It is usual, when a tenant leaves a farm, to remit to competent persons to inspect the houses and fences, and to fix the sum necessary to put them into good order and repair; but nothing is allowed if the tenant, during his occupancy, has increased their value. The landlord has also a claim in law for any deterioration from the mismanagement of the land by the tenant which he is able to establish. This, however, he rarely attempts to enforce, when the rules for cropping laid down in the lease have been strictly adhered to. This, in some degree, may arise from arbiters, and even landlords themselves, feeling that it would be unjust to charge tenants for the deterioration of the soil, while, in ninety-nine cases in a hundred, they, without payment, leave it better than they found it. But there can be no practical difficulty in finding skilful men able to estimate the state of cultivation and manurial condition of a farm, and to put a correct money value on the same. On a change of occupancy, were such men appointed as arbiters betwixt landlord and tenant, it would follow, according to the report made by them, that the landlord paid the tenant, or the tenant the landlord, as the farm was found to be improved or deteriorated. This might be considered only common justice between man and man, and a proposition to which no objection could be taken.

It may be observed that the effects of the law as it stands, coupled with leases, have made Scotch farmers pre-eminent as the class who have done most in improving the value of other people's property. It is well known that a large amount of produce can always be obtained from land of even medium quality

which has been thoroughly cultivated and liberally manured for a series of years; but when such land has been stinted of manure during a single rotation, and has at same time had its tillage operations imperfectly performed, it requires a number of years and considerable additional expense to regain the lost condition. Tenants taking farms in this state of manurial deficiency, are frequently unsuccessful, because the first crops after their entry prove unproductive. They may have invested a large capital, either their own or that of their creditors, in the farm, and thus have run themselves into difficulties in order to restore to the land its lost condition. On account of this very expenditure, new tenants can be readily obtained at even increased rents, but neither the former tenants, nor their creditors, have at present "the shadow of a claim upon such capital so invested." To find a remedy for this injustice, Earl Grey, last spring, proposed a resolution to the Lords' Committee on Hypothec, concluding thus:—"When the lease of a farmer became void by his insolvency, his creditors should have the right of calling upon the landlord either to pay them the fair value of the unexpired term of the lease, or to sell that lease to a new tenant, adding the price obtained for it to the divisible assets of the bankrupt." This amendment, though sound in principle, was withdrawn. However, the subject must again come before Parliament. Cases are known where all the straw, manure, fallow, and grass on the farm were paid for on entry by the tenant, but from the terms of the lease (a document concealed from the public), the whole was forfeited to the landlord owing to the tenant being unable to fulfil his contract to its close. Under such arrangements, the landlords get their rents in full; their farms returned to them much improved in value; and, over and above, property worth a large sum in the name of damages; while the creditors of the tenant have to be contented with a small dividend.

It is understood that Parliament, during the ensuing session, will be much occupied with Irish affairs, and particularly in considering the relation between landlord and tenant. It is also believed that Irish landlords may be willing, provided the tenants are contented with such an arrangement, to concede the principles contended for above—namely, that the tenant's property on the freehold, whether in the shape of building, fencing, draining, or in the manurial condition of the soil, shall be recognised and paid for on the occupier's eviction from his farm. Surely no further proof is required, that this recognition of the tenant's property is equally for the interest of landlords, tenants, and the general public in England and Scotland, as well as in Ireland.

There are other and more general hindrances to the natural development of agriculture—such as the laws of entail and primogeniture, which tend to the accumulation and retention of landed property in large masses; to say nothing of the difficulties and expense placed in the way of the purchase and conveyance of land, from the feudal tenure on which its holding is based. These important questions must be taken up and dealt with in some future, if not in the present, session of Parliament. However, there are two definite questions in relation to agriculture in Scotland — namely, the Law of Hypothec and the Game Laws—which must come before the Parliament of 1870. To their explanation and consideration the remainder of this paper must be devoted.

The Law of Hypothec is now all but unanimously considered by the farmers of Scotland to be the greatest of all hindrances to the progress of agriculture, and to the independence and welfare of their class. The security it affords to landlords, by preventing the tenant from disposing of his crop before the rent becomes due, and the facility it gives for recovery of arrears, make the possession of capital by

tenants a merely secondary consideration. Under it, landlords can and do make the entries to farms singularly easy to incoming tenants. Rents are postponed to conventional terms, often to twenty-three and twenty-nine months after the period of entry, for the first and second half-year's rents respectively. This is all done without risk to the proprietors; for, in case of failure, the whole burden is borne by the general body of the tenant's creditors. Until within the last three years, this law rested solely on decisions of the Supreme Courts of Scotland given in long by-past times, when landlords not only supplied the land, but the stocking and seed-corns necessary for its tillage. Under such circumstances, the hypothec law was absolutely necessary to insure landlords their fair and just share of the produce, which, at that period, was always paid in kind. In fact, tenants had rarely any other creditors except their landlords; and the law was looked on more as a means of preventing a clandestine disposal of the landlord's property than anything else. In those days, Acts of Parliament described tenants as "the puir bodies that labour the soil;" and laws necessary for regulating matters at that time are now, from altered circumstances, totally inapplicable.

It is true, the Act of Parliament recently passed (1867) has to some extent curtailed the privileges hitherto claimed by landlords and allowed by law. Buyers of grain, otherwise than in stock-markets, can no longer be compelled to pay twice for the same article; neither is it longer competent to include in sequestration household furniture, implements of husbandry, nor imported and unapplied manure, lime, drain-tiles, feeding stuffs, or other material, *unless such imported and unapplied material shall have been brought on the farm in implement of any specific obligation in the lease.* Notwithstanding this, the landlord's rents remain perfectly secured by his power to seize all crops, the produce of the ground or crops

growing thereon; and all live stock, the property of the tenant, such as horses, cattle, sheep, and pigs; and it may be, also, straw, manure, fallow, or grass, paid for at entry; or, to make the landlord still more secure, the tenant may have agreed to forfeit, in the event of his becoming bankrupt, such articles as he had paid for.

There is thus nothing to prevent landlords with impunity accepting as tenants men with inadequate capital for their farms, provided they have only a small *modicum* of credit in order to get a start. It is notorious that men with small capital not unfrequently offer the largest rents, as they know it is only by such means that they can obtain farms at all. High rents are inducements to landlords, not easily resisted, especially when they are certain to receive them, at least for a time, however extravagant they may be. One or two farms let to such men have before this raised rents over whole districts, and may still do so. The knowledge that they are exposed to this competition frequently induces tenants with sufficient means to increase their offers of rent beyond what they consider prudent, and makes them averse to train their sons to follow their own profession. It also causes many tenants to exhibit political subserviency, and still more frequently to agree to terms and conditions, styled the rules of the estate, by which they place themselves entirely at the mercy of their landlords. If it were not for this law, few men would sign leases, not only binding themselves to preserve game, but also to forego all claims for damage done, however much this game may be increased during the currency of a lease. No landlords would dream of inserting such clauses in their leases, if they had any direct interest in the prosperity of their tenants.

It is but of recent date that any strong complaints have been made as to the working of this hypothec law. This is accounted for by its having been comparatively harmless, so long

as rents were based on the natural or unaided produce of the soil. But this is no longer the case; the letting of farms has of late been considered a mercantile transaction between landlord and tenant, which it would in reality be if it were not for the disturbing influences of the law of hypothec.

A short account of the progress of the agitation against this law may be interesting to some. Though the law has for many years affected, and often cruelly so, carpenters, smiths, saddlers, bakers, brewers, and small tradesmen, yet these classes were too low in the scale of society to make themselves heard with effect, at a time when political power was solely in the hands of the wealthy. Nearly forty years ago, the late Lord Brougham, when Lord Chancellor, brought in a bill to amend the law in one particular only. Not to arouse the prejudices of landlords, he styled it a Bill for the Better Regulation of the Corn Trade in Scotland. He was instigated to this on the House of Lords finding it to be law in Scotland, that a purchaser of grain by sample in Haddington market, who had paid the price to the seller on its delivery, was bound to repeat the payment to the landlord, whose rent had not been paid. However, he was compelled to withdraw this measure. The opposition to it was so great, particularly from Edinburgh lawyers, who maintained that it would shake the very foundations of landed property, and render land an insecure investment. His lordship speedily made a second attempt, but with no better success, so that all change was considered hopeless. Little was said on the subject for a long time, except perhaps by some newspapers pointing out its occasional severity on some poor country tradesman.

On the 1st of June 1864, the case of Barns *v.* Allen, now known as the celebrated Ayrshire Oatmeal Case, was finally decided in the Court of Session. By this decision the law was carried out to its full length, and its injustice and absurdity were thus more exposed than by any argument. The defenders,

Allen & Co., bought in the streets of Ayr a quantity of oatmeal, which turned out to have been made from oats grown on a farm the rent of which had not been paid for the year these oats were grown. The defenders were found liable to repeat the price to the landlord, in order to pay such rent, with all the expenses of two jury trials. When this decision became known, public meetings were held throughout the country, which were largely attended by farmers, and particularly by those who either bought from, or sold to, them.

Many and great hardships were shown to have befallen the last-named class, *i.e.* the sellers, from the law of hypothec, and not a few farmers were found who proved that its working was most injurious to tenants generally. It is, however, an interesting fact that at that time very few farmers asked for the total abolition of the law, almost all contending only for its modification (the writer of this amongst the number). The agitation was so great and so general that the Government was induced to appoint a Royal Commission to inquire into and report on the working of the law. The Commissioners sat in Edinburgh from 12th December 1864 to 22d March 1865, and examined 121 witnesses from all the classes interested. The evidence taken showed that hypothec was not required on well-managed properties; that there were cases, in one or two counties, of estates recklessly let to the highest bidders, on which almost every tenant was in a state of bankruptcy; and that similar instances, with like results (though on a smaller scale), were constantly occurring throughout Scotland. The Commissioners reported unanimously in favour of the amendment of the law, so far as it permitted the following of crops when in the hands of *bonâ fide* purchasers. Together with some other slight alterations, they also recommended that household furniture and implements on the farm should not be included in the landlord's hypothec. Two members of the Commission—Mr. Carnegie,

the Member for Forfarshire, and Mr. Young, the present Lord Advocate—dissented from the report on the ground "that a larger change than any suggested in the report, might be made with safety and advantage to the agricultural interests of the country." The two practical farmers on the Commission, Messrs. Hope and Curror, also dissented, as they considered "the total abolition of the law is imperatively demanded both by justice and expediency."

In 1867, the Bill, already referred to as having become law, was introduced into the House of Lords. It certainly embodies the larger part, though not the whole, of the recommendations of the Commissioners. Still, though an improvement, this measure has done nothing to allay the agitation amongst tenant-farmers, manure-merchants, and others who sell to farmers; and these now all insist on its total abolition. So much is this the case, that in the spring of last year (1869) the House of Lords appointed a Committee of themselves to make further inquiries as to the law in this and other countries. They examined altogether twenty-eight witnesses, of whom thirteen were farmers, seven were lawyers, several were house or land agents, and three were dealers in manures and feeding stuffs. In the Report of their Lordships, the following admission is made:—(13) "that the law of hypothec does in this manner increase the number of competitors for farms, and must therefore tend to raise the rents paid for them, does not appear to be disputed by the supporters of the law any more than by its opponents. The question really at issue between them is, whether the competition for land thus created, is what is called an unhealthy one, and whether it is for the public interest that it should be diminished?"

Again, if the law "really had as great an effect as is supposed, the Committee doubt whether this would afford just ground for complaint to those more wealthy farmers who think they would

obtain farms at lower rents if they were relieved from competition of persons not having sufficient capital to take land under the conditions which would be required if the law of hypothec were repealed." Their Lordships here appear to corroborate and approve of the opinions of some of the witnesses examined before the Edinburgh Commission, as several of them declared that to abolish hypothec would "restrict the landlord's choice of tenants," and do away with what they called a "healthy competition for land;" that the law enabled landlords "to let their farms at a higher rent to tenants of inferior capital and credit, without risk to themselves." All this was at first stated by witnesses in favour of the law, chiefly by lawyers who were agents for estates, without apparently being conscious that their arguments were at all unfair to tenants with capital. Towards the close of the inquiry, the Edinburgh witnesses in favour of the law became more cautious, some declaring it had no such effect. But their Lordships are still unable to see any injustice in a law which they admit tends, by increased competition, to raise the rents which they themselves would receive. They have one reason for still adhering to the law—namely, because they think the evidence conclusive that it "affords facilities by which industrious and intelligent men often raise themselves from a very humble condition to that of prosperous farmers. . . . . It appears to your Committee that there could be no greater mistake in legislation than to withdraw from such men facilities, which they now enjoy, for raising themselves by their own exertions."

One of the most remarkable facts connected with this inquiry, is the great and rapid progress of opinion against the law. In 1865 a great majority of farmers urged only its modification, most of them being willing to allow landlords security for one year's rent; now nearly every one advocates its total abolition. At least one of the witnesses examined by their Lordships con-

fessed this change in his opinion. But perhaps a better illustration of this fact is the case of Mr. Wilson, of Edington Mains, the president of the Scottish Chamber of Agriculture. Mr. Wilson is well known throughout Great Britain as a first-rate practical farmer and an able agricultural writer. In a remarkably clear and calm letter addressed to Lord Airlie, chairman of their Lordships' Committee, and which has been published in their report, Mr. Wilson states, in regard to himself, "Since I gave that evidence (before Her Majesty's Commissioners in Edinburgh) I have studied the nature and working of the law of hypothec more carefully and materially than I previously had done, and the result is that, in so far as I can see, no modifications of that law, which have yet been suggested, will remove its inherent evils; and accordingly it is *now* my deliberate opinion that it should be altogether abolished." It is also remarked by Mr. Wilson in his letter that "one of the strong objections to the law is, that it has given countenance and currency to the delusion that farming is a business in which a man may safely engage with the very slenderest means, if only he be steady and industrious, and have a good knowledge of the business. It is very saddening to think of the multitude of such men, who, by attempting to farm on such terms, have speedily lost every penny of their hard-earned stores; and the still greater numbers who in the same way have consigned themselves to a lifetime of care and privation, and ill-requited toil. The truth is (and it cannot too often be insisted on), that there is a certain indispensable amount of capital, proportioned to the size of the farm (whether that consists of 10, or 20, or 100, or 500 acres), without which no man, be he ever so industrious and prudent and skilful, can possibly farm land with advantage to himself or any one else." Mr. Wilson then goes on to show that one farm differs from another in productiveness, not so much on account of the one tenant's greater skill or industry, as of his having

larger means than the other for improving his farm, and conducting his operations.

Every sentence of Mr. Wilson's letter is deserving of serious consideration. He states, that according to the entry of farms in Berwickshire, and the period at which rents are paid, the landlord "receives a year's rent sooner by twelve months than he could have realised it if he had retained the farm in his own occupation; while, at the same time, the whole cost of stocking, manuring, and cultivating it, has been defrayed by the tenant. If it is proper, in such an arrangement, to speak at all of advances being made by one party to the other, it would appear that it is the tenant who does so." Again, after mentioning the great and numerous risks farmers are exposed to from adverse seasons, disease amongst stock, and fluctuations in markets, he adds that "the landlord gets his rent, term by term, whether there has been a profit or no; and if the farm proves to be rented above its value, or if disasters befal the tenant, it often enough happens that he has to leave it a ruined man, although all the rents have been paid in full. It is surely unbecoming to manifest such anxiety to have the interests of the naturally strong party, whose risks are small, fenced and secured in every possible way, while those of the weaker party, whose risks are so great, are deemed unworthy of notice." After rebuking those who talk lightly of dealers in manure, Mr. Wilson details, from his own personal knowledge, the benefits conferred on agriculture by the introduction of bones, guano, and manufactured manures, and concludes thus—"In the face of such facts, it is surely not unreasonable that the traders who supply the manures, feeding stuffs, seeds, implements, and machines, to the use of which the enhanced value of land is so largely due, should, on the occurrence of farmers' bankruptcies, claim to share in the assets on equal terms with the landlords. No class in this country has benefited so largely by the discoveries now referred to, as the

owners of land, and none, therefore, ought to have greater sympathy with dealers in commodities from which they benefit so largely and directly."

But to return to the Report of the Lords' Committee. As already stated, the defence of the law is there based solely on the facilities it is presumed to afford to industrious and intelligent men to raise themselves by their own exertions. Even if such facilities were actually afforded, it might still be questioned with what justice legislators could make or maintain laws for the benefit of even the poorer portion of a class, at the expense of the more wealthy of the same class. But injustice to one class can never be a benefit to another, still less can any law be devised which will rob the wealthier to benefit the poorer of the same class or profession.

The Lords' Committee admit that the law increases competition for farms, and therefore tends to raise rents. It does this irrespective of the size of farms; or rather, the smaller the farm the greater is the competition induced by it, and the more rents are enhanced. So that, with large farms or with small, the whole spoils go into the pockets of the landowners, for it is pure delusion to suppose that the law in the least benefits small tenants. Under this very law, what are called small tenants, have already been almost extinguished on the best soils of Scotland. In fact, it has long ago been clearly demonstrated by Mr. Russell, Pilmuir, Fife, that it is soil, situation, and climate, that determine the size of farms, and not the law of hypothec. In the counties of Aberdeen and Kincardine, where small farms are the rule, the tenantry have proved themselves to be (it may be said) unanimous in their condemnation of the law and its working. It is cheerfully admitted that there are men who have begun business as farmers on a small scale, who have ended by being in possession of extensive farms; but they are few indeed, and these men have risen in spite of the law, and the great risks created

by it. It may be safely said that for one agricultural labourer or even foreman on a farm, who has *at once* begun farming on his own account and has succeeded, at least a dozen have failed. Many of these men, however, go to towns and commence trading in a small way, and, without any special law for their assistance, with only a fair field and no favour, not a few have succeeded in becoming extensive and wealthy shopkeepers. Some of them, after realising a competency, have returned to the country and taken extensive farms. Even the case of one of the witnesses, so much relied on by the Lords' Committee, is in reality no exception to this statement. This witness (Mr. Denholm) stated in his evidence that *in five years'* time, "by dealing a little and working hard," he had obtained sufficient money "to take and stock his first farm, and, perhaps, to buy manures too." He was not asked the sum required for this purpose, neither did he tell that the results of this "dealing," up to a very recent date, were at least of equal importance to those of his agricultural avocations.

By the law of 1867, agricultural sequestrations were for the first time ordered to be registered. From a return, ordered by the Lords' Committee, it appears that, from the passing of this Act until the 30th March 1869, there were altogether 800 petitions presented for sequestration, of which 76 were for rents to become due, and out of the remaining 724 there were only 196 for rents above £100. Surely this revelation is anything but a proof of the benefit the law is said to confer on the smaller tenantry. The fact that in little more than a year and a half no less than 528 tenants, paying rents not exceeding £100, have been sequestrated, is rather a sad commentary on the allegation that the law enables landlords to help poor but industrious tenants to tide over their difficulties.

The Lords' Committee have also attempted to show that the law of hypothec is similar to other laws, by which

"special claims are given to certain persons, in preference to the general creditors of those by whom that property is held." The instances adduced are "the lien that shipowners have on the cargoes of their ships for freight, and by bottomry bonds, which give to their holders a prior claim over other creditors of the shipowner, for money lent for repairs necessary for the safety of the ship." There does not appear to be any analogy betwixt these cases and hypothec over agricultural subjects. In regard to the freight of a ship, the cargo is placed in the hands of the shipowner, who is bound to deliver the same at a certain port, on being paid the hire agreed upon, and he is naturally entitled to retain this cargo until such payment is made. In the same way a porter engaged to carry a parcel may hold the same in his hands till he receives the stipulated hire. Neither shipowner nor porter has any control over the goods held by them, both being bound to deliver them in good order to the individuals to whom they are addressed. On the other hand, tenant-farmers can, with perfect freedom, dispose of the goods over which the landlords claim the right of hypothec. As to bottomry bonds, they are admitted to be necessary "for the safety of the ship;" while, if hypothec for the rent of land was abolished, the land itself would still be safe in port.

In another paragraph of the report of the Lords' Committee, a still more unfortunate or untenable illustration is made in comparing agricultural hypothec with commercial dealings, in the following sentence:—"By the law of hypothec the tenants of land or houses are in fact enabled virtually to pledge their crops and the property on their premises, as a security to their landlords for their rents, just as a merchant importing wine or sugar may pledge the dock-warrants that represent the property, in order to obtain money to carry on his business." When a merchant imports wine or sugar, and places the same in the Government docks, he obtains a receipt

for the goods, which can only be delivered on this receipt being returned with an order from its first holder, and these receipts often pass through a dozen hands, all signed and countersigned by the parties, before the goods are removed from bond. There is no such thing as any real hypothec unless the article so hypothecated be delivered over to the person making such claim, or to the keeping of some third party bound to retain it. The hypothec claimed by landlords is simply a legal right to be paid before other creditors from the effects found in the possession of a bankrupt, when he becomes insolvent. There may be a first, a second, or a third bond on heritable property, and all may be paid if the bonds are properly registered, but it is impossible for any other creditor of a farmer to establish a second claim for any preference after the landlord, as against the general body of creditors. It is true that the tenant's goods have been placed on the property of the landlord, which property he has made over to the tenant for a time, on the promise of a certain yearly rent, but the crops raised and the goods placed on it belong to the tenant. The live stock, the seed corn, and the necessary manure, are as important as the land for the profitable production of crops, and the whole may have been obtained on credit. On the failure of the tenant, the landlord has his property returned to him, and the question arises, why should a landlord be entitled to payment in full for the hire or rent of his property, when the other creditors must be content with a small dividend on their whole capital in the hands of the bankrupt?

A great deal has been said of urban property, and the serious hardships it would inflict on the working classes in towns if hypothec were abolished in connection with it. It may be admitted that urban and agricultural hypothec are allied in principle, while it may be denied that the serious evils flowing from the one exist in regard to the other. It

may also possibly be proved, that any evils in regard to urban hypothec may be more than counterbalanced by the facilities it affords in enabling certain tenants to obtain household accommodation. That there is a difference between agricultural and urban hypothec, is evident from the fact that household furniture is now exempt from agricultural hypothec, whilst the urban has nothing else to operate on. Besides, houses are only for living in, and fortunately they are capable of indefinite multiplication; on the other hand, it is by land that men live, while its area is limited and cannot be increased. A house of some kind is an absolute necessity for every family, but there is no occasion for all to follow farming as a profession. Farming is a mercantile pursuit, and a most important one, but after all farmers form only a small proportion of the whole community. It does not follow that a principle, applicable to house-rents, should therefore be brought to bear on the conducting of a business that requires both money and space for its operations. Again, there are no complaints in regard to hypothec on the part of householders, while almost all occupiers of land, and those who have mercantile transactions with them, complain loudly of its injustice. At the same time it is difficult to see what benefit urban hypothec confers on either landlords or tenants, as in Edinburgh, Glasgow, and other large towns, in by far the greater proportion of small-rented houses, the rents are collected once a-week, or at least once a-month. Neither would the furniture found in such houses be sufficient for the payment of the legal expenses incurred by sequestration.

The bill for the total abolition of the law of hypothec has been hitherto under the charge of Mr. Carnegie, and he has promised to bring it again before Parliament in the ensuing session. It is worthy of his consideration whether he should not confine his exertions to the passing of a measure applicable solely to agricultural subjects, as it would both

simplify matters and remove opposition. It has been already shown that, though allied in principle with urban hypothec, the agricultural is more disastrous in its working, and its speedy abolition is demanded.

The other great obstacle, already mentioned, to successful farming—namely, the operation of the Game Laws—is one the removal of which lies mainly with the Legislature. It may with truth be said of these laws, that they more frequently embitter rural life, and are the cause of more misunderstanding, irritation, and bad feeling betwixt landlord and tenant, than all other causes put together. Whatever differences there may be in principles or character amongst landed proprietors, there is one point in which almost all agree—that is, in the desire of having, on their estates, a large head of game. Notwithstanding this, it may be true that even the majority of farmers do not suffer very much pecuniary loss from this cause; but certainly it is an undoubted fact that a great many have had, and continue to have, their crops severely damaged by game, and consequently their means of meeting their engagements much encroached on, while a considerable number have been ruined by, or at least have attributed their want of success as farmers to, the undue multiplication, during their lease, of hares and rabbits. Ample proof of this was given before Mr. Bright's Select Committee of the House of Commons in 1846. Game is almost invariably reserved on every farm let in Great Britain, so that it remains optional with the proprietors, if they choose, to multiply these wild animals to any extent. It may be asked why tenants agree to this state of matters? The answer is easy. The land cannot be increased by a single acre; it is a monopoly in the hands of comparatively few owners. These owners name their conditions, and it is impossible to obtain land for farming purposes, otherwise than on the terms landlords dictate. Farmers who object must either cease to be farmers, or emigrate to the colonies. Experience has amply proved that it is impossible

there can be two conflicting interests on the same farm, such as the Game Laws create, without frequent jealousies and alienations between the contracting parties. And, however foolish it may be on the part of tenants to undertake to grow crops while the landlords retain the full and undoubted right to consume them free of payment, yet it is equally true that they submit to this under a sort of compulsion, put upon them by the circumstances in which they are placed.

The destruction of farmers' crops caused by the preservation of game, and the effects produced by it in demoralising rural labourers, have long been subjects of keen discussion in newspapers and at meetings of practical agriculturists throughout the kingdom. Judging from the large number of meetings lately held, and the speeches made in relation to the Game Laws, there is apparently a firmer determination than ever to have these laws materially modified or curtailed, while some are in favour of their being altogether swept from the statute-book.

The reasons for this strong feeling are—First, that grain and root crops are now raised at a much greater expense than formerly, wages and rents are both higher, and it is more difficult for farmers to obtain a profit from their calling; Secondly, that the passion for game preservation has of late been increasing year by year; and in the last place, the mode of sporting has undergone a total change, and one which requires a much larger head of game than formerly to furnish what is called a fair day's sport. Landlords are not now contented to go out with a keeper and a couple of pointers, and after a day of hard walking to make only a bag easily carried by a man. The plan at present in vogue is for parties of from six, eight, ten, or a dozen guns, to assemble, with a large number of men to drive the game, and also to pick up whatever is shot. Dogs are not used, except perhaps one or two retrievers to find the wounded birds or hares. The open

and stubble fields are first scoured by the keepers, and the whole game driven in amongst the growing potatoes and turnips, and then the sportsmen come on the field and slaughter it there by the cart-load. It is also considered poor sport if constant firing should at any time cease throughout the day. Then proprietors exchange field-days with one another; what takes place on one estate one day, is on the following repeated on another.

It is evident that this mode of sporting requires a much larger head of game to be kept up than was necessary in former times, to the greater destruction of crops on one hand, and the greater encouragement of poaching and poachers on the other. The difference of opinion between farmers and game-preservers with regard to the quantity of game on a farm, and the amount of the damage done by game, is often very remarkable. The truth is, that to ascertain this in any way approaching to accuracy, observations must be continued from the period of sowing until the ingathering of the crop. These observations, however, are rarely made on the part of the proprietor; and it may be safely said, that however liberal or even generous a landlord may consider himself to have been in the payment for such damages, it is but seldom that tenants feel themselves fully indemnified. It is not so much what hares and rabbits devour, as what they injure and destroy, that makes their absence desirable on cultivated ground. Large quantities of hares and rabbits are annually sent to market, but the price paid for them is far from adequate to the cost of their production, except, indeed, in the case of rabbits, when these have been confined to their own warren. And, at all events, the market returns go into other pockets than those at whose expense such animals were reared and fed.

Amongst the witnesses examined before Mr. Bright's Game Committee, were the late Mr. Pusey, M.P., Sir Harry Verney, Lord Hatherton, and other eminent agriculturists. They all declared that the preservation of game, particularly

of hares and rabbits, was quite incompatible with high farming. One instructive passage from Lord Hatherton's evidence may be quoted:—"I soon found, as a farmer desirous of introducing amongst my tenantry, and into the neighbourhood, a better system of cultivation, that it was utterly hopeless to do so, unless I completely destroyed the hares; for the attempt to reduce them was useless, for a good season repaired their number to such an extent, that I found there was no effectual cure but destruction." It at least clearly appears from this, that the quantity of hares and rabbits on a farm ought to be regulated, not by the owner of the soil, but solely by the owner of the crops grown thereon.

This evil of game preservation, one would naturally suppose, would be confined simply to the arable lands of the kingdom; but, curiously enough, there are equally loud complaints of game and the Game Laws from the Highland sheep-farmers as from their brethren who follow the plough. The recently-made railways afford a pleasant and ready means for sportsmen being conveyed from London and the large manufacturing towns of England. These individuals take, on leases, sometimes at enormous rents, the shootings over every hill and moor. Keepers are employed by them, as in the Lowlands, to extinguish every natural enemy of game, and everything is done to increase the stock. Not only are grouse and other winged game preserved, but hares and rabbits are likewise protected. Instances are not wanting where both hares and rabbits have been brought from a distance and turned loose on farms, for the purpose of more rapidly increasing their numbers, or improving the breed by an infusion of new blood. These four-footed animals, when freed from their natural enemies, multiply and increase in these mountain regions almost with the same rapidity as in the most fertile districts. Mountain hares, in particular, breed nearly as fast as rabbits, and, when not

destroyed, they soon become an intolerable nuisance, even in regions almost covered with heather. It is well known that sheep cannot thrive on heather alone, or without some change of food. On these extensive moors, covered, it may be said, with heather, there are always here and there small spots of green pasture. Some of these spots may be natural, but more frequently they have been made by the laborious carting of lime to such places as the stockmasters have considered most suitable for their sheep obtaining this necessary variety of food. But hares and rabbits naturally prefer grass to heather, and now, on most grazings, they have become so numerous as to devour much of those grassy places made for, and intended only for, their less nimble companions. It is clear the damage done is not simply to be estimated by the loss of a few acres of grass, but by the extent of the area of heather rendered useless from the want of it.

One of the most important parts in the management of a sheep-farm, is the providing of a regular supply of young heather, which the stock at certain periods eat greedily, and on which they thrive. This is done by burning regular portions every spring, by which means the whole farm is gone over in rotation. This benefits both sheep and grouse, for the latter also live chiefly on the young heather. An old Act of the Scots Parliament provides that heather may be burned each spring until the 11th of April, except by proprietors, who may burn it for a fortnight longer, and also by those tenants to whom proprietors may give permission, but in late or wet seasons only. In leases it is now not unfrequently specified that the sheep-farmer is not to burn any heather except such parts as the factor or gamekeeper may point out. Some intelligent gamekeepers, knowing the importance of young heather to the health and strength of the grouse, do readily permit a sufficient quantity to be burned annually. There are others, however, who are averse to all burning, as the cover the old heather

affords enables sportsmen to get closer to the game, and to have better sport. This question of heather-burning, which involves the welfare of sheep to the value of many thousands of pounds, causes annually great excitement amongst farmers and shepherds, until the decisions of these chosen umpires, the gamekeepers, are ascertained. It may be mentioned that, under the old Act above mentioned, two farmers in Berwickshire were lately prosecuted for burning heather in July in enclosed fields which were about to be ploughed after having been drained and fenced, in order to improve them by going through a course of cropping.

The continued and rapid extension of deer-forests is another cause of great annoyance to many sheep and arable farmers in the north. In all Highland districts the boundaries of sheep-farms and also of deer-forests, are not uncommonly on the tops of mountains. It is the nature of Cheviot and blackfaced sheep, when in good health, to ascend these hills in the after-part of the day, eating as they travel, with their heads towards their resting-place. The tops of the hills are thus common to the flocks from either side, and in the morning almost every sheep again descends to its own valley. "Poinding" stray sheep is unknown amongst sheep-farmers, and it is the custom of shepherds carefully to return all that wander from their own grounds. When a sheep-farm marches with a forest, matters are altogether altered. The keepers of the latter frequently poind, and collect the legal penalty of sixpence for, every sheep that is found across the unfenced march. But this is not the worst of it. Sheep-farmers have also been interdicted by law from allowing *sheep*, *men*, or *dogs* to trespass on forests, so that when sheep do cross the boundary it is impossible to get them back again, and many and great are the losses occasioned by this conduct. Sheep have thus to be prevented from going near the hill-tops; hence much additional expense in herding, and the loss of the pas-

tures near the hill-tops to the sheep-farmer, in favour of the deer of the sporting tenant.

In fact, it is almost ruin to a sheep-farmer to have the adjoining district converted into forest. The deer come down in the night from their fastnesses, sometimes hundreds in number, and graze with impunity on the grounds of the sheep-owners. They also make frequent raids for miles across the country, and in a single night destroy acres of growing grain or root crops. There are thus grounds for the proposal of Mr. Loch, member for the Wick boroughs, to make the owners of estates where game comes from, liable for damages, though unfortunately Mr. Loch limits this to hares and rabbits. Another and perhaps a better plan has been suggested—namely, to compel by law the surrounding of all deer-forests by a suitable wire-fence.

It is, certainly, not for the interest of the country to encourage in any way the formation of such forests. It is estimated, by competent judges, that the land already given over to deer is capable of grazing from 350,000 to 400,000 sheep. The greater part of this clearance of sheep for deer has taken place in recent years, and the change is still going on as rapidly as at any former period. Already from 700 to 800 shepherds must have lost their employment; happily, many of them have emigrated to the colonies, and are doing well. But the yearly cast of sheep sent from the Highlands must be 80,000 to 100,000 fewer in number than they would otherwise have been. Then, again, there is the annual loss of from 700 to 800 tons of wool, worth from £50,000 to £60,000, to say nothing of the labour this wool would have given to workmen in converting it into carpets, blankets, or warm clothing. Again, for years past even the well-to-do middle classes have seriously complained of the exorbitant price of butcher meat. Would it not be somewhat cheaper, were these deer forests not in existence?

Hitherto the power of legislation has been mainly in the hands of wealthy landowners, as our Game Laws clearly show. But now this country has started, for weal or for woe, on a more democratic course, and the laws of the realm must speedily be brought more into harmony with the opinions or the will of the great body of the people. This is becoming obvious to statesmen, and considerable efforts have been already made somewhat to reduce the evils attributed to the preservation of game. During last session of Parliament, not less than three Scotch Game Bills were introduced to the House of Commons, all causing great discussion.

Lord Elcho's Bill was little more than an attempt to assimilate the Scotch and English Game Laws. In defence of Game Laws generally, his Lordship quoted the enactments of several of the states of North America, showing the heavy penalties incurred by destroyers of game when out of season. Doubtless these laws are most severe on paper, but it may be questioned if a single conviction under them has ever taken place. But the singular part of it is, that these laws for the preservation of game in America have not been enacted in the interest of the landed proprietors. On the contrary, they owe their existence to the influence of the inhabitants of towns, and their avowed object is to prevent landowners from destroying game on their own lands during the breeding season. The sportsmen in American towns turn out in autumn, and walk with their guns unchallenged from one end of the state to the other. It seems to be law there that private property in land is simply the guarantee of the State to protect the owner in its beneficial use. Though the common law in America protects growing crops from damage, and domestic animals from disturbance, it does not prevent men from walking in stubble-fields for the purpose of shooting wild and unappropriated animals.

The chief provisions of the bill introduced by Mr. M'Lagan,

Member for Linlithgowshire, are, 1st, to take hares out of the list of game; 2dly, To transfer all game prosecutions to the sheriffs of the counties; 3dly, To abolish cumulative penalties for the same offence; and lastly, to secure the recovery of all damages done to a tenant's crop by game, in a speedy, certain, and inexpensive manner.

Mr. Loch, the author of the third and last bill introduced to Parliament, has not yet had a full opportunity of explaining the principles of his measure, or of showing how it would redress the grievances complained of. Its chief feature is a clause rendering it lawful for tenants, and those authorised by them, to destroy hares and rabbits, notwithstanding any agreement with the landlord to the contrary. This proposal appears to give satisfaction to a large number of tenants, who desire to retain the Game Laws in full force as against others, provided they have placed in their own hands a weapon to protect themselves, when they conceive that landlords have broken their implied agreement, by allowing their crops to be destroyed or damaged by hares and rabbits.

It cannot be said that any one of these three measures is perfect, but apparently Mr. M'Lagan's bill is based on the soundest foundation. It is not liable to the objection that has been urged against Mr. Loch's, that it is immoral, and that it offers a premium to those choosing to break their engagements. Besides, if Parliament is willing to pass such a measure, why should it not apply to winged game as well?—for in some situations pheasants do considerable mischief. The Legislature has arbitrarily selected certain birds and animals, and denominated them game. It would surely be better to remove hares and rabbits altogether out of this category, and thus deprive them of legislative protection, than to introduce a principle of freeing men from the consequences of their own agreements voluntarily entered into. Mr. M'Lagan in his bill proposes simply to withdraw all

legislative protection from those animals in the game list which chiefly damage farmers' crops in the Lowlands, and occasion loss to sheep-owners in the upland moors or barren districts, and which are also the greatest temptation to poachers. It may be anticipated with confidence that if hares and rabbits were no longer considered game, their numbers would be speedily reduced, and thus there would be no longer damage done to farmers; while numerous young men might be saved from first becoming poachers, and ultimately criminals of a deeper dye. The removal of the trials of offenders against the Game Laws from the Justices of Peace to the Sheriffs of counties, ought to be a great relief to the Justices themselves, and it would remove the suspicions that cannot fail to arise when those who are alone interested parties, are judges in the case. With regard to game damages, a provision to render the sheriff's decision final would greatly promote the attainment of the object sought, as few tenants would be prepared to prosecute a claim, which, beginning in the Sheriffs' Courts, might end in the House of Lords, and occasion much expense.

While heartily commending Mr. M'Lagan's bill as the soundest in principle, and most likely to give satisfaction, it may be suggested to him that the opportunity should not be lost of making it more perfect by certain improvements or additions. In the first place, it would be well to have the list of what is considered game clearly defined; secondly, along with hares and rabbits, wild ducks, snipes, and plovers, and, in particular, deer, might be all omitted from the category of game. Deer might be declared private property, liable to taxation in proportion to the acreage occupied by them; and, above all, the owners should be bound to fence their forests in a suitable manner, and should be rendered liable in penalties if such stock were seen, by trustworthy witnesses, to trespass.

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